



**Written Public Summary of Freedom of Information Act Procedures and Guidelines
of the
COURTS AND LAW ENFORCEMENT MANAGEMENT
INFORMATION SYSTEM (CLEMIS) AUTHORITY**

This is a written public summary (the “**Public Summary**”) of the procedures and guidelines (the “**FOIA Procedures**”) established by the Courts and Law Enforcement Management Information System (CLEMIS) Authority (the “**Authority**”) to implement the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 to 15.246 (“**FOIA**”), relevant to the general public. The Public Summary further explains the Authority’s written responses, deposit requirements, fee calculations, and avenues for challenge and appeal. The complete FOIA Procedures are available on the Authority’s website at:

<http://www.clemisauthority.org/foia>.

1. How Do I Submit a Request for a Public Record Under FOIA to the Authority?

- a. A request to inspect or obtain copies of a public record prepared, owned, used, possessed, or retained by the Authority (a “**FOIA Request**”) must be written.
- b. A FOIA Request must describe a public record in a way allowing the Authority to find it.
- c. *Mail.* Send a FOIA Request to the Authority by mail at:

FOIA Coordinator
CLEMIS Authority
51111 Woodward Avenue, Suite 723
Pontiac, MI 48342

- d. *Email.* Send a FOIA Request to the Authority by email at:

freedomofinformation@clemisauthority.org

Please include “FOIA” in the subject line of the email.

Note: If you are imprisoned in a local, state, or federal correctional facility, you are not entitled to submit a FOIA Request.

2. When and How Will the Authority Respond to My Request?

- a. The Authority will respond to a FOIA request within five business days of receipt in one of the following ways:
 - i. granting the FOIA Request;
 - ii. denying the FOIA Request with an explanation;



- iii. granting the FOIA Request in part and denying the FOIA Request in part with an explanation;
 - iv. indicating that the public record requested is available without charge on the Authority's website; or
 - v. indicating that the Authority needs up to ten additional business days to respond.
- b. If a FOIA Request is granted completely or partially, the Authority may provide a notice that a payment of a fee deposit is required for further processing. If a fee deposit is required, the Authority will include in its response a non-binding, best effort estimate regarding the time and cost for providing the records.
- c. Notwithstanding subsections (a) and (b), because the Authority hosts a shared record-keeping system that other agencies use, it is not responsible for the records that it stores on behalf of those other agencies. If the Authority receives a FOIA Request asking for records that actually belong to one of the subscribing agencies, then, within ten business days, the Authority will send the requesting person a written notice with the contact information of the appropriate subscribing agency.

Note: If a FOIA Request by email is filed in a spam or junk-mail folder, it will not be considered received until one day after the Authority becomes aware of the request. The Authority will check its spam or junk-mail folder at least monthly.

3. What Are the Authority's Fee Deposit Requirements?

- a. If the Authority makes a good faith calculation that the total fee for processing a FOIA Request will be more than \$50.00, the Authority will require payment of a fee deposit equal to 50% of the estimated fee. The Authority will provide a non-binding estimate of the time to respond to a FOIA Request after it receives the fee deposit.
- b. If the Authority requires a fee deposit, it will not process the FOIA Request further until the fee deposit is paid.
- c. If a person submitting a FOIA Request has not paid the final fee for the processing of an earlier FOIA Request and files a new FOIA Request, the Authority may require a payment of a fee deposit equal to 100% of the estimated fees for processing the new FOIA Request before processing the new FOIA Request.

4. How Does the Authority Calculate Fees?

- a. Fees are calculated by adding together the following costs:
 - i. labor costs for searching for, locating, and examining responsive records;
 - ii. labor costs for review, separation, and deletion of information exempt from disclosure from information disclosed;



- iii. costs for computer discs, drives, or other non-paper physical media, if used;
 - iv. costs for duplication or publication, including paper copies and digital copies; and
 - v. cost to mail or send a public record to the person submitting the FOIA Request.
- b. Labor costs will:
- i. be estimated and charged in 15-minute increments, with partial time increments rounded down;
 - ii. be charged at the hourly wage of the lowest paid Authority personnel capable of doing the work in the specific fee category, regardless of the person performing the work; and
 - iii. include a charge to cover or partially cover the cost of fringe benefits.
- c. For copies provided on non-paper physical media (like computer discs or drives), the Authority will charge the actual and most reasonably economical cost for the non-paper media.
- d. For paper copies, the Authority will charge up to \$0.10 per sheet for standard letter (8 ½ by 11 inches) or legal (8 ½ by 14 inches) paper copies made and actual costs for other sizes and may use double-sided printing, if it is cost-saving and available.
- e. The Authority will charge the actual cost of mailing public records in a reasonably economical and justifiable way and may charge the least expensive form of postal delivery confirmation. Unless requested, the Authority will not charge for expedited shipping or insurance.

5. How Do I Challenge or Appeal a Denial?

- a. If the Authority denies a FOIA Request in whole or in part, the denial may be appealed to the executive committee of the Authority (the “**Executive Committee**”). The appeal must be in writing, include the word “appeal,” and identify the reason or reasons the denial was improper.
- b. Within ten business days of receiving the appeal, the Executive Committee will respond in writing by doing one of the following:
 - i. reversing the denial;
 - ii. issuing a written notice upholding the denial;
 - iii. reversing the denial in part and issuing a written notice upholding the denial in part; or



- iv. issuing a notice extending the response period for up to ten business days.
- c. The Executive Committee is not considered to have received a written appeal until the first regularly scheduled meeting of the Executive Committee after submission of the written appeal.
- d. A person submitting a FOIA Request may commence a civil action in the circuit court for Oakland County within 180 days after the Executive Committee's final determination to deny a request.
- e. If a person submitting a FOIA Request believes that the Authority has required payment of a fee that exceeds the amount permitted the FOIA Procedures, the person may bring an action in the circuit court for Oakland County for a fee reduction 45 days after receiving the notice of the required fee.

6. What If I Have Questions?

- a. A person submitting a FOIA Request can contact the Authority with questions about a response, fees, or an appeal:

Email: freedomofinformation@clemisauthority.org

Phone: (947) 729-8725