

Appeal of a Denial of a Public Record

If you believe that all or a portion of a public record has not been disclosed or has been improperly exempted from disclosure, you may appeal to the Township Board by filing a written appeal of the denial with the office of the Township Clerk.

The appeal must be in writing, specifically state the word “appeal,” and identify the reason or reasons you are seeking a reversal of the denial. You may use the township Freedom of Information Act (FOIA) Appeal Form to Appeal a Denial of Records (PDF).

Within 10 business days of receiving the appeal the Township Board will respond in writing by:

- Reversing the disclosure denial
- Upholding the disclosure denial
- Reverse the disclosure denial in part and uphold the disclosure denial in part

Whether or not you submitted an appeal of a denial to the Township Board, you may file a civil action in Macomb County Circuit Court within 180 days after the township's final determination to deny your request. If you prevail in the civil action, the court will award you reasonable attorneys’ fees, costs and disbursements. If the court determines that the township acted arbitrarily and capriciously in refusing to disclose or provide a public record, the court shall award you damages in the amount of \$1,000.

Appeal of an Excess FOIA Processing Fee

If you believe that the fee charged by the township to process your FOIA request exceeds the amount permitted by state law, you must first appeal to the Township Board by filing a written appeal for a fee reduction to the Township Clerk’s Office.

The appeal must specifically state the word “appeal” and identify how the required fee exceeds the amount permitted. You may use the township FOIA Appeal Form to Appeal an Excess Fee (PDF).

Within 10 business days after receiving the appeal, the Township Board will respond in writing by:

- Waiving the fee.
- Reducing the fee and issue a written determination indicating the specific basis that supports the remaining fee.
- Upholding the fee and issue a written determination indicating the specific basis that supports the required fee.
- Issuing a notice detailing the reason or reasons for extending for not more than 10 business days the period during which the Township Board will respond to the written appeal.

Within 45 days after receiving notice of the Township Board’s determination of the processing fee appeal, you may commence a civil action in Macomb County Circuit Court for a fee reduction. If you prevail in the civil action by receiving a reduction of 50% or more of the total fee, the court may award all or appropriate amount of reasonable attorneys’ fees, costs and disbursements. If the court determines that the township acted arbitrarily and capriciously by charging an excessive fee, court may also award you punitive damages in the amount of \$500.