



October 1, 2021

[www.Michigan.gov/MICRC](http://www.Michigan.gov/MICRC)

VIA ELECTRONIC TRANSMISSION ONLY  
[erin@progressmichigan.org](mailto:erin@progressmichigan.org)

Erin Lodes  
Digital and Data Researcher  
Progress Michigan

**RE: MICRC Freedom of Information Act Request #2021-06 – REVISED Deposit Request for Emails**

Dear Ms. Lodes:

This letter serves as the Michigan Independent Citizens Redistricting Commission's (MICRC) revised response to the above-referenced matter. Your request was received on August 24, 2021. The original response letter dated September 27, 2021, was an email capture from August 17, 2021; this revised response is an email capture from August 17, 2020. Thank you for your patience in this matter.

Your request seeks:

“[A]ll communications about redistricting matters between any of the commissioners and any other person who is not a commissioner, including but not limited to emails and text messages, from August 17, 2020 through the present date. The term “person” does not include the 1) Commission’s staff, lawyers, consultants, and vendors, 2) members of the immediate family of a commissioner, and 3) personnel of the Department of State. The term “communication” does not include communications which occurred at an open meeting of the commission or at a previously publicly noticed forum or town hall open to the general public.

Please include any attachments that were part of these emails or text messages, such as word documents, spreadsheets, PDFs, pictures, or other types of documents. In addition, please include copies of emails which in which anyone from the ICRC was “cc-ed” or “bcc-ed.” ”

An updated search for the requested email records was conducted and resulted in approximately 38,428 pages. Please note the exclusions of “person” listed in your request are unknown persons and cannot be filtered in the email search. The potential page amount may be reduced to exclude emails to the extent those persons can be identified during the manual review process. The search and extraction of responsive text messages will be addressed in a supplemental response.

Review and redaction of the email records by the MICRC will require an estimated eight hundred fifty-two (852) hours of staff time at an hourly rate of \$72.12 with no benefits included.

This hourly rate is commensurate with the lowest paid personnel capable of performing the task in the respective entity or agency. See, Section 4(1) and (3) of the Michigan Freedom of Information Act, MCL 15.234(1) and (3). Accordingly, the MICRC will incur total estimated cost in the amount of Sixty-One Thousand Four Hundred Forty-Six and 24/100 Dollars (\$61,446.24) in order to comply with your request. As this response is more than ten (10) days past due, you are entitled to a reduction in labor costs of fifty percent (50%). Thus, the reduced labor cost is Thirty Thousand Seven Hundred Twenty-Three and 12/100 Dollars (\$30,723.12).

If you wish to proceed with this request, we require that you submit a deposit in the amount of one-half (½) of the total estimated fee, in accordance with MCL 15.234(8). Accordingly, please forward your check or money order in the amount of **Fifteen Thousand Three Hundred Seventy-One and 11/100 Dollars (\$15,371.11)** made payable to the “MICRC” include FOIA #2021-06 on your check or money order and forward to P.O. Box 30036, Lansing, MI 48909 no later than November 18, 2021. Please note that we do not accept cash.

Upon receipt of your deposit, in accordance with MCL 15.234(1) and (3), we will provide you with: a supplemental written response outlining the information that has been exempted from the record; the legal authority for each exemption; and the cost for you to obtain a copy of the record. In that regard, please note that the MICRC charges \$0.10 per page, \$0.25 per page for color laser copies and \$10.00 per computer disk (CD). *Please note that if we are not in receipt of your deposit by the above-referenced date, we shall consider your request abandoned and close our file on this request, pursuant to MCL 15.234(14).*

Please see enclosed Fee Itemization Form and make your check or money order payable to the “MICRC” include the FOIA request number listed above on your check/money order and forward to P.O. Box 30036, Lansing, MI 48909. It is important to note that we do not accept cash. **Failure to include the FOIA request number will result in your check being returned.** I estimate review of the record will take approximately twenty-three (23) weeks once we receive your deposit.

You can find the summary of the MICRC Freedom of Information Act procedures and guidelines at <https://www.michigan.gov/micrc>. A copy of the *Written Public Summary of MICRC FOIA Procedures and Guidelines* is attached to this email for your convenience.

Please note that pursuant to Section 10 and 10a of the Act, MCL 15.240 and 15.240a, a person receiving a written denial of a request or receiving a letter to submit the labor costs may do one of the following:

- 1) Submit a written appeal to the head of the public body denying the request. Such appeal, if submitted, should specifically state the word “appeal” and identify the reason or reasons for reversal of the disclosure denial. MCL 15.240(1)(a) and MCL 15.240a(1)(a); or



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- 2) Commence a civil action in the circuit court, or if the decision of a state public body is at issue, the court of claims, to compel the disclosure of the public records within 180 days after the public body's denial of the request, MCL 15.240(1)(b), or 45 days after the public body's request for labor costs, MCL 15.240a(1)(b). If a court finds that the information withheld by a public body is not exempt from disclosure, or that the labor costs requested by the public body exceeds the amount permitted, the requesting party may receive the requested record and, at the discretion of the court, reasonable attorney fees, cost or disbursements. MCL 15.240(6) and (7), and MCL 15.240a(6) and (7).

Sincerely,



Julianne V. Pastula  
General Counsel, MICRC  
(517) 331-6318

JVP/hs

Enclosures