

# ENHANCED ACCESS TO PUBLIC RECORDS POLICY

**Eaton County, Michigan**  
**September, 2018**

This policy is established pursuant to the authority of the Enhanced Access to Public Records Act, 1996 P.A. 462, being MCL 15.441 *et seq.*

## 1. DEFINITIONS

- a. “Enhanced access” means a public record’s immediate availability for public inspection, purchase or copying by digital means. Enhanced access does not include the transfer of ownership of a public record.
- b. “Geographical information system” means an informational unit or network capable of producing customized maps based upon a digital representation or geographical data.
- c. “Person” means that term as defined in Section 2 of the Freedom of Information Act, 1976 P.A. 442, and being Section 15.232 of the Michigan Compiled Laws.
- d. “Public Body” means that term as defined in Section 2 of the Freedom of Information Act, No. 442 of the Public Acts of 1976, and being Section 15.232 of the Michigan Compiled Laws.
- e. “Public Record” means that term as defined in Section 2 of the Freedom of Information Act, No. 442 of the Public Acts of 1976, and being Section 15.232 of the Michigan Compiled Laws.
- f. “Software” means that term as defined in Section 2 of the Freedom of Information Act, No. 442 of the Public Acts of 1976, and being Section 15.232 of the Michigan Compiled Laws.

## 2. AUTHORIZATION

- a. Pursuant to 1996 P.A. 462, all Eaton County government public bodies may provide enhanced access for the inspection, copying or purchasing of a public record that is not confidential or otherwise exempt by law from disclosure [Sec. 3(1)(a); Sec. 3(3)].
- b. This policy does not require a public body to provide enhanced access to any specific public record [Sec. 3(4)].
- c. This policy shall only apply to public records, access to geographical information systems, or the output from geographical information systems that are listed in the “EATON COUNTY DIGITAL DATA ACQUISITION MASTER FEE STRUCTURE” as approved by the Board of Commissioners.
- d. County elected officials, department heads, agencies, boards, commissions and councils legally responsible for the creation, preparation, ownership, custody, control, maintenance, preservation, guardianship, retention, possession or use of a public record shall select which public records may be made available through

enhanced access.

- e. Principles and policies to be considered in determining which public records shall be made available through enhanced access include, but are not limited to, the following:
  - i. Management principles applied to information resources should be the same as those applied to other governmental resources.
  - ii. Elected officials, department heads, agencies, boards, commissions, councils and other county public bodies legally responsible for the creation preparation, ownership, custody, control, maintenance, preservation, guardianship, retention, possession or use of a public record have the responsibility, authority and accountability for the management of public record information.
  - iii. Information resources investments must be driven by legal, programmatic and governmental requirements.
  - iv. Eaton County government, in trust for the people of Eaton County, has a duty to ensure ownership of information products and county created intellectual property is protected and maintained.

### 3. FEES

- a. It is the policy of Eaton County to charge a reasonable fee for providing enhanced access to a public record [Sec. 3(1)(b)].
- b. It is the policy of Eaton County to charge a reasonable fee for providing access to:
  - i. A geographical information system.
  - ii. The output from a geographical information system.
  - iii. The output from digital orthophotography and related products.
  - iv. Property tax records (current and delinquent)
  - v. And any other data types the County deems appropriate.
- c. “Reasonable fee” means a charge calculated to enable Eaton County to recover over time only those operating expenses directly related to the public body’s provision of enhanced access.
- d. “Operating expenses” include, but are not limited to, a public body’s direct cost of creating, compiling, storing, maintaining, processing, upgrading, or enhancing information or data in a form available for enhanced access, including the cost of computer hardware and software, systems development, employee time, and the actual cost of supplying the information or record in the form requested by the purchaser.
- e. Except as otherwise provided by act or statute, the Department of Technology Services and Controller’s Office shall establish proposed reasonable fee(s) for each public record made available for enhanced access or for access to a geographical information system or the output from a geographical information system. The proposed fee(s) shall be presented to and approved by the Board of Commissioners before they shall be effective.
- f. Except as otherwise provided by act, statute or Sections 3(g) and 3(h) of this policy, all persons shall be charged the reasonable fee approved by the Board of Commissioners for enhanced access to a public record or for access to a geographical

- information system or the output from a geographical information system.
- g. A public body may furnish access or enhanced access without charge or at a reduced charge if the public body determines that a waiver or reduction of fee is in the public interest because access or enhanced access can be considered as primarily benefitting the general public or serving an educational purpose. Examples include, but are not limited to, instances when:
    - i. The information is critical to public health or safety;
    - ii. The information is required for non-profit research purposes such as academic or public interest research;
    - iii. The information is required to meet legal, programmatic or governmental objectives;
    - iv. The information explains the rights, entitlements and/or obligations of individuals;
    - v. The cost of administering the fees would exceed the revenue to be collected;
    - vi. The reasonable fee established would have a serious detrimental impact on the financial position of particular groups or classes of users;
    - vii. The information is requested by a student for use in an educational or academic project or assignment;
    - viii. The information is requested for inclusion in educational or training materials;
    - ix. The reasonable fee established would limit the number of users enough to compromise achieving program or other governmental objectives.
  - h. Waiver or fee reductions may be granted by the elected official, department head, agency, board, commission, council, or other county public body legally responsible for the creation, preparation, ownership, custody, control, maintenance, preservation, guardianship, retention, possession or use of the public record(s) in question, subject to the following conditions:
    - i. If the enhanced access fee for the requested product(s) is less than \$750 and a waiver or reduction of fees is in the public interest, the elected official, department head, agency, board, commission, council, or other county public body legally responsible for the creation, preparation, ownership, custody, control, maintenance, preservation, guardianship, retention, possession or use of the public record(s) in question, in collaboration with the Department of Technology Services may approve a waiver or fee reduction without further action of the Board of Commissioners.
    - ii. If the enhanced access fee for the requested product(s) is equal to or greater than \$750, the waiver or fee reduction shall be approved by the Board of Commissioners prior to the award of that waiver or reduction.

#### 4. OTHER ACCESS

- a. Most of the public computerized data may be accessed from several locations in the Eaton County Governmental Complex without charge to the user. This services is provided through the use of computer terminals specifically set up for public use.

#### 5. DISCLAIMER

- a. Enhanced Access to public records, access to geographical information systems, or the output from geographical information systems is only for informational purposes and is provided “AS IS.” Eaton County does not warrant or guarantee the completeness, accuracy, or content of the public records, geographical information systems, or the output from geographical information systems. Eaton County, its officers, officials, employees, agents, volunteers, or contractors make no warranties of any kind, including but not limited to warranties of accuracy, fitness for a particular purpose, or of a Person’s right to use the public records, geographical information systems, or the output from geographical information systems.
- b. Recipients are solely responsible for investigating, resisting, litigating and settling such complaints, including the payment of any damages or costs, unless the Eaton County Board of Commissioners elects to participate in the process at the County’s expense.
- c. Except for the Board of Commissioners, by resolution adopted by a majority of those elected and service, no officer, official employee agent, volunteer, contractor or other person or public body may make any representation or warranty on behalf of the County or one of its public bodies.