

GIS OPEN DATA POLICY

Eaton County, Michigan
September, 2018

1. PURPOSE

- a. In the interest of transparency and making information freely available to the public, Eaton County desires to implement a GIS Open Data Policy. Under this policy, Eaton County will make certain data available on an open data portal free of charge.
- b. Making this data available to the general public on an open data portal free of charge has numerous benefits, including, but not limited to:
 - i. fostering civic engagement through data sharing between government agencies, citizens, businesses, and other community organizations;
 - ii. increasing the trust and improving the relationship between citizens, business, and government agencies; and
 - iii. enabling businesses and other citizen enterprises to make use of government data to promote economic development and increase investment.

2. DEFINITIONS

- a. “Geographic Information System Data” or “GIS Data” means the output from a Geographic Information System as defined by MCL 15.442(b) or the saved output (data file).
- b. “GIS Open Data Portal” means a publicly-accessible web portal to access Open Data that is provided and maintained by Eaton County.
- c. “Open Data” means a GIS Data that is published on the GIS Open Data Portal.
- d. “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.
- e. “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.
- f. “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.

3. AUTHORIZATION

- a. Pursuant to the Enhanced Access to Public Records Act, 1996 P.A. 462, Eaton County may provide GIS Data or a public record's immediate availability for inspection and copying by digital means as long as the GIS Data or public record is not confidential or otherwise exempt by law from disclosure.
- b. This GIS Open Data Policy does not require Eaton County to provide, publish, keep, or provide access to any specific Public Record, GIS Data, or Open Data on the GIS Open Data Portal.

4. PUBLICATION OF OPEN DATA

- a. Eaton County shall establish and maintain a GIS Open Data Portal where access to Open Data will be provided.
- b. Except as otherwise provided in the Terms of Use on the GIS Open Data Portal, Eaton County shall not impose restrictions upon a Person to retrieve, download, sort, search, and reuse Open Data for any lawful purpose.
- c. Eaton County shall not charge a fee for providing access to Open Data.
- d. This GIS Open Data Policy shall only apply to Open Data.

5. PROCESS FOR PUBLICATION OF OPEN DATA

- a. The Eaton County Department of Technology Services is responsible for providing access to and maintaining the GIS Open Data Portal.
- b. A Public Record or GIS Data that is exempt from disclosure under the Michigan Freedom of Information Act, 1976 P.A. 442, shall not be published on the GIS Open Data Portal.
- c. Eaton County elected officials, department heads, agencies, boards, commissions, councils, or other Eaton County public bodies that are legally responsible for the creation, preparation, ownership, custody, control, maintenance, preservation, guardianship, retention, possession, or use of the Public Record or GIS Data shall select and/or approve, prior to publication on the GIS Open Data Portal, which Public Records or GIS Data may be published on the GIS Open Data Portal.
- d. Principles and policies to be considered in determining which Public Records or GIS Data may be published on the GIS Open Data Portal include, but are not limited to, the following:
 - i. whether the Public Record or GIS Data will primarily benefit the general public or serve an educational purpose;
 - ii. whether the Public Record or GIS Data will benefit public health or safety;

- iii. whether the Public Record or GIS Data will benefit non-profit research, such as academic or public interest research;
- iv. whether the Public Record or GIS Data will enable businesses and other citizen enterprises to make educated decisions regarding economic development and investment;
- v. whether the Public Record or GIS Data contains information that will uniquely identify a particular Person and constitute a clearly unwarranted invasion of personal privacy;
- vi. whether the Public Record or GIS Data contains information that will compromise the safety or security of building or dwelling; or
- vii. whether the harm of publishing the Public Record or GIS Data outweighs the public benefit.

6. DISCLAIMER

- a. Open Data is only for informational purposes and is provided “AS IS.” Eaton County does not warrant or guarantee the completeness, accuracy, or content of the Open Data. 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 Open Data.
- b. The Eaton County Department of Technology Services shall provide a Terms of Use on the GIS Open Data Portal, which shall include a disclaimer substantially similar to the above disclaimer in subsection (a), that the Eaton County Department of Technology Services and Corporation Counsel deem necessary and appropriate.

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.

**EATON COUNTY DIGITAL DATA AQUISION
MASTER FEE STRUCTURE**

PRODUCT NAME	PRICE	
Parcel Layer	Free	Available on Portal
Road Centerlines Layer	Free	Available on Portal
Control Corners	Free	Available on Portal
Site Address Point	Free	Available on Portal
Geopolitical Area (Township/City/Village boundaries)	Free	Available on Portal
PLSS County	Free	Available on Portal
PLSS Monuments	Free	Available on Portal
PLSS Sections	Free	Available on Portal
PLSS Township	Free	Available on Portal
Drains	Free	Available on Portal
Water Flow lines	Free	Available on Portal
Bodies of Water	Free	Available on Portal
Water sheds	Free	Available on Portal
School District Layer	Free	Available on Portal
County District	Free	Available on Portal
Polling Place	Free	Available on Portal
2 foot Contour	Free	Available on Portal
Building Footprints	Free	Available on Portal

All other Digital data requests will be quoted at the hourly rate of \$45 per hour, based on current salary and fringe benefit costs, required to fulfil data retrieval and submission to requestor. A minimum of 1 hour is required. Other fees for custom printed maps or media will apply. See fees below for custom maps creation, special media choices, media types, and shipping & handling fees.

Custom Map Fees	A-Size (8.5"X11")	B-Size (11"X17")	C-Size (17"X22")	D-Size (22"X36")	E-Size (36"X44")
First Custom Map Print	\$2.00	\$5.00	\$10.00	\$15.00	\$20.00
Additional Prints of Same Map	\$1.00	\$2.00	\$5.00	\$7.00	\$10.00
Special Media (Mylar, cardstock, etc.) Add:	\$2.00	\$4.00	\$8.00	\$10.00	\$12.00
Digital Map (PDF, TIFF, JPEG, etc.)	\$5.00 per file, any size				
Digital Media (CD/DVD Burning)	\$5.00 per disk				
Shipping & Handling (envelopes/small tubes)	\$5.00				
Shipping & Handling (packages/large tubes)	\$10.00				

Note: All pricing is for access to this information, which may include the ability to download and/or print this data, subject to use restrictions that may be necessary to protect the County's intellectual property rights in this data, and any software underlying the access.