

**ENHANCED ACCESS TO PUBLIC RECORDS POLICY**  
**Genesee County, Michigan**

This policy is established pursuant to the authority of the Enhanced Access to Public Records Act (the "Act"), 1996 P.A. 462, MCL 15.441-445.

**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 of geographical data.
- C. "Person" means that term as defined in section 2(c) of the Freedom of Information Act, being Section 15.232(c) of the Michigan Compiled Laws.
- D. "Public Body" means that term as defined in section 2(d) of the Freedom of Information Act, being section 15.232(d) of the Michigan Compiled Laws.
- E. "Public Record" means that term as defined in section 2(e) of the Freedom of Information Act, being section 15.232(e) of the Michigan Compiled Laws.
- F. "Software" means that term as defined in section 2(h) of the Act, being section 15.442(h) of the Michigan Compiled Laws.

**2. AUTHORIZATION**

- A. Pursuant to the Act, all Genesee 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 any public body to provide enhanced access to any specific public record. [Sec. 3(4)]
- C. 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, if any, may be made available through enhanced access.

- D. 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:
1. Enhanced access should be developed whenever the public information: can be made more readily available to the public, can be protected from unwanted modification, can be financed, at least in significant part, by users and can be kept relatively current.
  2. County elected officials, department heads, agencies, boards, commissions and other county public bodies legally responsible for the creation, preparation, ownership, custody, control, maintenance, preservation, or use of a public record have the responsibility for the management of public records subject to enhanced access.
  3. It is the intent of Genesee County to have enhanced access users share in the costs of developing, maintaining and upgrading enhanced information access technology.
  4. Enhanced access costs should be calculated to be a reasonable fee under the Act but should not be excessive in terms of the value of the information.
  5. The Chairperson of the Board of County Commissioners, contemporaneously with the adoption of this policy, will name a person as County Enhanced Access coordinator who will be responsible for planning for and implementing enhanced access through out the County. This person shall report to the Chairperson on this project in February and August of each year.

**3. FEES**

- A. It is the policy of Genesee County to charge a reasonable fee for providing enhanced access to any of its public records. [Sec. 3(1)(b).]
- B. It is, specifically, the policy of Genesee County to charge a reasonable fee for providing access to:
  - i. Its geographical information system.
  - ii. The output from its geographical information system.
- C. "Reasonable fee" means a charge calculated to enable Genesee County to recover, over the estimated effective life of the technology,

not more than those operating expenses directly related to its provision of enhanced access.

- D. "Operating expenses" include, but are not limited to, Genesee County'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 statute, the Management Information Systems (MIS) Department, in consultation with the County Controller, and after opportunity for the affected department to recommend fees, shall establish a proposed reasonable fee or fees for each class of 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 fees shall be presented to and approved by the County Board of Commissioners before they shall be effective. Enhanced access fee policies developed by elected officials for their department, however, shall either be approved as submitted by such elected official or rejected with explanation by the Board of Commissioners.
- F. Except as otherwise provided by act or statute, all persons shall be charged the reasonable fee approved by the County Board of Commissioners for enhanced access to County public records or for access to a County geographical information system or the output from a geographical information system.
- G.
- H. Attached to this Policy is a Schedule of Enhanced Access Charges. Each County department may establish a Schedule of Enhanced Access Charges after submission of the Schedule to, and approval by, the Board of Commissioners.

#### **4. DISCLAIMER**

- A. Recipients of enhanced access data receive all information "AS IS." The County of Genesee, its officers, officials, employees, agents, volunteers, contractors or its public bodies, make no warranties of any kind, including, but not limited to, warranties of accuracy, fitness for a particular purpose, or of a recipient's right of use.
- B. Except for the Board of Commissioners, by resolution adopted by a majority of those elected and serving, 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.

5. **USE OF ENHANCED ACCESS FEES**

- A. All enhanced access fees shall be accounted for in a separate fund with an accounting as to departmental source of the data.

Adopted \_\_\_\_\_ by Reso. # \_\_\_\_\_

08/20/10