

## **Van Buren County Board of Commissioners**

### **Enhanced Access to Public Records Policy and Fees**

This policy is to establish pursuant to the authority of the Enhanced Access to Public Records Act, 1996 P. A. 462.

#### **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. "Geographic information systems" 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 of the freedom of information act, Act No. 442 of the Public Acts of 1976, 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, Act No. 442 of the Public Acts of 1976, 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, Act No. 442 of the Public Acts of 1976, being section 15.232
- F. "Software" means that term as defined in section 2 of the enhanced access to public records act, Act No. 462 of the Public Acts of 1996, being section 15.442 of the Michigan Compiled Laws.
- G. "Third party" means a person who requests a geographic information system or output from a geographical information system under this act. However, third party does not include a person for whom a fee authorized under this act is waived in accordance with an intergovernmental agreement described in section 3.

#### **2. Authorization**

- A. Pursuant to 1996 P. A. 462, all Van Buren 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(5)]
- B. This policy does not require a public body to provide enhanced access to any specific public record. [Sec. 3(6)]

- 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 may be made 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. Management principles applied to information resources should be the same as those applied to other governmental resources.
  - 2. 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.
  - 3. Information resources investments must be driven by legal, programmatic and governmental requirements.
  - 4. Van Buren County government, in trust for the people of Van Buren 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 Van Buren County to charge a reasonable fee for providing enhanced access to a public record. [Sec. 3(1)(b)]
- B. It is the policy of Van Buren County to charge a reasonable fee for providing access to:
  - (i) A geographical information system
  - (ii) The output from a geographical information system.
- C. “Reasonable fee” means a charge calculated to enable Van Buren County to recover over time only those operation expenses directly related to the public body’s provision of enhanced access.
- D. “Operating expenses” includes, but is 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 the act or statute, the affected department shall establish a 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 or statute, 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 benefiting the general public.
- H. A public body may provide another public body with access to or output from a geographical information system for the official use of the receiving public body, providing that an intergovernmental agreement between the two public bodies has been entered into that conforms to the requirements of section 3(1)(d) of the enhanced access to public records, Act No. 462 of the Public Acts of 1996, as amended, being section 15.433 of the Michigan Compiled Laws.
- I. Waiver or fee reduction shall be decided by the elected official, department head, agency, board, commission, council, and/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.

#### **4. Disclaimer**

- A. Recipients of access or enhanced access received all information "AS IS". The County of Van Buren, 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. Recipients are solely responsible for investigating, resisting, litigating and settling such complaints, including the payment of any damages or costs, unless the Van Buren County Board of Commissioners, by resolution adopted by a majority of those elected and serving, elects to participate in the process at the County's expense.
- 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.