

ENHANCED ACCESS TO PUBLIC RECORDS POLICY

Ogemaw County, Michigan

Date: _____

This policy is established 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. “Geographical Information System” means an informational unit or network capable of producing files, data, documents, images, or 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 of the Michigan Compiled Laws.

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.

2. AUTHORIZATION

A. Pursuant to 1996 P.A. 462, all Ogemaw 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. 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.

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. Ogemaw County government, in trust for the people of Ogemaw County, has a duty to ensure ownership of information procedures and that county created intellectual property is protected and maintained.

3. FEES

A. It is the policy of Ogemaw County to charge a reasonable fee for providing enhanced access to a public record. [Sec. 3(1)(b)]

B. It is the police of Ogemaw 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 Ogemaw County to recover, over time, only those operating 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 act or statute, Ogemaw County's Budget & Finance Committee 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 Ogemaw County Commission 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 Ogemaw County Commission 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 fees is in the public interest because access or enhanced access can be considered as primarily benefiting the general public. Examples may include, but are not limited to, instances when:

1. The information is critical to public health or safety;
2. The information is required for non-profit research purposes such as academic or public interest research;
3. The information is required to meet legal, programmatic or governmental objectives;
4. The information explains the rights, entitlements and/or obligations of individuals;
5. The cost of administering the fees would exceed the revenue to be collected;
6. The reasonable fees established would have a serious detrimental impact of the financial position of particular groups or classes of users;
7. The reasonable fee established would limit the number of users enough to compromise achieving program or other governmental objectives.

H. Submission of Request. All requests must be submitted in writing by the requestor. Writings include requests submitted by facsimile, electronic mail, or other electronic means.

I. Withdrawal of Request. All withdraw of requests must be submitted in writing by the requestor. Writings include requests submitted by facsimile, electronic mail or other electronic means.

J. Waiver or fee reductions shall be decided by the elected official, department head, agency, board, commission, council 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 receive all information “AS IS”. The County of Ogemaw, 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.

B. 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.

APPROVED AS TO FORM AND CONTENT

LaDonna A. Schultz (P48924)
Ogemaw County Prosecuting Attorney