

Category: 100

Number: 113

Subject: **ENHANCED ACCESS TO PUBLIC RECORDS POLICY**

1. **PURPOSE:** This policy is established pursuant to the authority of the Enhanced Access to Public Records Act, 1996 P.A. 462. The policy intends to outline procedures for providing certain records to the public and establishing a fee for such records as allowable by law.
2. **AUTHORITY:** The Saginaw County Board of Commissioners.
3. **APPLICATION:** This policy applies to all Departments, Elected Offices and Agencies of Saginaw County.
4. **RESPONSIBILITY:** 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 records may be made public through enhanced access.
5. **DEFINITION(S):**
 - 5.1 Enhanced access means a public record's availability for public inspection, purchase or copying by digital means. Enhanced access does not include the transfer of ownership of a public record.
 - 5.2 Geographical Information System means an informational unit or network capable of producing customized maps based upon a digital representation of geographical data.
 - 5.3 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.
 - 5.4 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.
 - 5.5 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.
 - 5.6 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.

- 5.7 Reasonable Fee means a charge calculated to enable Saginaw County to recover over time only those operating expenses directly related to the public body's provision of enhanced access.
- 5.8 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.

6. POLICY:

6.1 Authorization

- 6.1.1 Pursuant to 1996 P.A. 462, all Saginaw 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) of the Enhanced Access to Public Records Act, 1996 P.A. 462].
- 6.1.2 This policy does not require a public body to provide enhanced access to any specific public record. [Sec. 3(4) of the Enhanced Access to Public Records Act, 1996 P.A. 462].
- 6.1.3 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:
 - 6.1.3.1 Management principles applied to information resources should be the same as those applied to other governmental resources.
 - 6.1.3.2 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.
 - 6.1.3.3 Information resources investments must be driven by legal, programmatic and governmental requirements.
 - 6.1.3.4 Saginaw County government, in trust for the people of Saginaw County, has a duty to ensure ownership of information products and County created intellectual property is protected and maintained.

6.2 Fees

- 6.2.1 It is the policy of Saginaw County to charge a reasonable fee for providing enhanced access to a public record. [sec. 3(1)(b) of the Enhanced Access to Public Records Act, 1996 P.A. 462]
- 6.2.2 It is the policy of Saginaw County to charge a reasonable fee for providing enhanced access to:
 - 6.2.2.1 A Geographical Information System.
 - 6.2.2.2 The output from a Geographical Information System.
- 6.2.3 Except as otherwise provided by act or statute, the Saginaw County Controller's Office 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.
- 6.2.4 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.
- 6.2.5 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. Examples may include, but are not limited to instances when:
 - 6.2.5.1 The information is critical to public health or safety;
 - 6.2.5.2 The information is required for non-profit research purposes such as academic or public interest research;
 - 6.2.5.3 The information is required to meet legal, programmatic or governmental objectives;
 - 6.2.5.4 The information explains the rights, entitlements and/or obligations of individuals;
 - 6.2.5.5 The cost of administering the fees would exceed the revenue to be collected;

6.2.5.6 The reasonable fee established would have a serious detrimental impact on the financial position of particular groups or classes of users;

6.2.5.7 The reasonable fee established would limit the number of users enough to compromise achieving program or other governmental objectives.

6.2.6 Waiver or fee reductions shall be decided 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. The waiver or fee reductions shall be approved by the Board of Commissioners prior to the award of that waiver or reduction.

6.3 Disclaimer

6.3.1 Recipients of access or enhanced access receive all information "as is". The County of Saginaw, 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 Saginaw County Board of Commissioners, by resolution agree to participate in the process at the County's expense.

6.3.2 Unless authorized by resolution of the Board of Commissioners, 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.

7. ADMINISTRATIVE PROCEDURES: NONE

8. CONTROLLER/CAO LEGAL COUNSEL REVIEW: The Controller/CAO has determined that this policy as submitted to the Board of Commissioners contains the necessary substance in order to carry out the purpose of the policy. County Civil Counsel has determined that this policy as submitted contains content that appears to be legal activities of the Saginaw County Board of Commissioners.

Approved as to Substance:
Saginaw County Controller/CAO

Approved as to Legal Content:
Saginaw County Civil Counsel

ADOPTED: November 23, 1999