

Approved: September 7, 2006

- A. Purpose.** This policy is established pursuant to the authority of the Enhanced Access to Public Records Act, 1996 P.A. 462.
- B. Authority.** The Isabella County Board of Commissioners.
- C. Applications:** This policy applies to all departments, agencies, and offices of Isabella County.
- D. Responsibility:** The Administrator/Controller shall have responsibility for implementing and the Chairman of the Isabella County Board of Commissioners for administering this policy.
- E. Definitions.**
1. *“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.
 2. *“Geographical information system”* means an informational unit or network capable of producing customized maps based on a digital representation of geographical data.
 3. *“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, system development, employee time, and the actual cost of supplying the information or record in the form requested by the purchaser.
 4. *“Person”* means that term as defined in section 2 of the freedom of information act, 1976 PA 442, MCL 15.232.
 5. *“Public body”* means that term as defined in section 2 of the Freedom of Information Act, 1976 PA 442, MCL 15.232.
 6. *“Public record”* means that term as defined in section 2 of the freedom of information act, 1976 PA 442, MCL 15.232.

7. “*Reasonable fee*” means a charge calculated to enable a public body to recover over time only those operating expenses directly related to the public body's provision of enhanced access.
8. “*Software*” means a set of statements or instructions that when incorporated in a machine-usable medium is capable of causing a machine or device having information processing capabilities to indicate, perform, or achieve a particular function, task, or result.
9. “*Third party*” means a person who requests a geographical 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 this policy.

F. Authorization. Pursuant to 1996 P.A. 462, all Isabella 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)].

This policy does not require a public body to provide enhanced access to any specific public record. [Sec. 3(4)].

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.

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

G. Fees. It is the policy of Isabella County to charge a reasonable fee for providing enhanced access to a public record.

It is the policy of Isabella County to charge a reasonable fee for providing access to:

1. A geographical information system.
2. The output from a geographical information system.
3. Public records system.

Except as otherwise provided by act or statute, the Administration 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.

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.

The County 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:

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 fee established would have a serious detrimental impact on 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.

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. The Board of Commissioners, prior to the award of that waiver or reduction shall approve the waiver or fee reductions.

H. Disclaimer. Recipients of access or enhanced access receive all information "AS IS". The County of Isabella, 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 Isabella 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.

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.