

ENHANCED ACCESS TO DIGITAL PUBLIC RECORDS POLICY

Chippewa County, Michigan
October 2011

Purpose: This policy is established, pursuant to the authority, guidelines, and provisions of the Enhanced Access to Public Records Act, 1996 P.A. 462 MCL 15.443 *et seq*, as amended. The purpose of this Policy is: 1) to establish the definitions and operational provisions for a policy on enhanced access to digital public records, 2) to authorize the establishment of a fee schedule and to establish conditions for its waiver, and 3) to set forth a disclaimer as to all express and implied warranties regarding the access to or the use of public records for which enhanced access is provided.

I DEFINITIONS

- A. "The Act" shall be interpreted as the Michigan Enhanced Access to Public Records Act, 1996 P.A. 462
- B. "County" shall refer to the County of Chippewa, Michigan.
- C. "Digital Ortho-photography" shall be interpreted as a digital image geo-referenced to the earth's surface, captured at an altitude to display natural and man-made features at varying scales and resolutions.
- D. "Enhanced Access" shall be interpreted as providing digital access to public records (that currently exist in digital format, specifically GIS Data and Tax Records) for public inspection, purchase, or copying by digital means. "Enhanced access" does not include the transfer of ownership of a public record, and does not include public records that do not currently exist in digital format (hardcopy).
- E. "Geographic Information System" or "GIS" shall be interpreted as being an informational unit, system, or network capable of producing customized maps based upon a digital representation of geographical data.
- F. "Operating Expense(s)" includes, but is not limited to, the County's direct cost of creating, compiling, extracting, storing, maintaining, processing, providing, upgrading, or enhancing information or data in a form available for enhanced access, including the cost of computer hardware, software, data storage media, system development, employee time, and the actual cost of supplying the information or record(s) in the form requested by the purchaser.
- G. "Person" shall be interpreted as that term as defined in Section 2 of the Freedom of Information Act No. 442 of the Public Acts of 1976, being Section 15.232 of the Michigan Compiled Laws.
- H. "Public Body" shall be interpreted as the term as defined in Section 2 of the Freedom of Information Act No. 442 of the Public Acts of 1976, being Section 15.232 of the Michigan Compiled Laws.

- I. "Public Record" shall be interpreted as that term as defined in Section 2 of the Freedom of Information Act No. 442 of the Public Acts of 1976, being Section 15.442 of the Michigan Compiled Laws. Not all public records are available in digital format.
- J. "Reasonable Fee" shall be interpreted as 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.
- K. "Software" shall be interpreted as 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.

II AUTHORIZATION

- A. Pursuant to the Act, all Chippewa 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 Chippewa County public bodies to provide enhanced access to any specific public record, if the public record sought is not available through the Chippewa County enhanced access system or not available in digital format. [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. Matters to be considered in determining which public records shall be made available through enhanced access include, but are not limited to, the following:
 - 1. 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.
 - 2. Chippewa County government, in trust for the people of Chippewa County, has a duty to ensure ownership of information products and county created intellectual property is protected, maintained, and enhanced.
 - 3. Chippewa County will not release information that may be confidential, proprietary or for which it has signed a non-disclosure agreement.

III FEES

- A. It is the policy of Chippewa County to charge a reasonable fee for providing access to:
1. A GIS.
 2. The output from a GIS.
 3. Digital Ortho-photography and related products.
 4. Property records and related information.
 5. Property Tax records (current and delinquent), and equalization information.
 6. Any and all types of additional information the County deems necessary.
- B. It is the policy of Chippewa County to periodically assess and establish a reasonable fee to charge for access, enhanced or otherwise, to various forms available through technological advancements, improvements, or enhancements or upgrades to existing technology (i.e. online access via the Internet, direct dial-in service to a Chippewa County computer, server, information system, etc., electronic mail, CD-ROM, DVD, Optical Archive, solid state drive, storage device, media, paper products, and labels generated by computerized means).
- C. Access to and/or output from a County GIS may be provided to another public body for the official use of that other public body without charging a fee to that other public body, upon approval of the Chippewa County Board of Commissioners.
- D. Except as otherwise provided by act or statute, all persons shall be charged the reasonable fee approved by the Chippewa County Board of Commissioners for enhanced access to a public record or for access to a GIS or the output from a GIS.
- E. Fees to be charged for enhanced access may be reduced or waived in instance where the request is for the public good. Examples may include, but are not limited to the following instances or occurrences:
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 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;

- F. Any and all waivers or fee reductions shall be decided by the Director or Head of the appropriate County Department legally responsible for the creation, preparation, ownership, custody, control, maintenance, preservation, guardianship, retention, possession or use of a public record(s) in question.
- G. Upon authorization by the Chippewa County Board of Commissioners, the County may enter into agreements with other public bodies to provide enhanced access to public records, to provide access to a GIS, or to obtain output from a GIS, at a reduced fee or at no fee, in accordance with the requirements of Section 3 of the Enhanced Access to Public Records Act.
- H. This policy does not apply to public records prepared under an act or statute specifically authorizing the sale of those public records to the public or where the amount of the fee for providing a copy of the public record is otherwise specifically provided by an act or statute.

IV DISCLAIMER

- A. This policy does not obligate Chippewa County, its elected officials, department heads, agencies, boards, commissions, councils and other county public bodies to provide enhanced access to any specific public record if such public record has not been selected for enhanced access availability pursuant to *Subsection II. C.* of this policy.
- B. Recipients of enhanced access receive all information "AS IS". Chippewa County, its elected officials, officers, department heads, employees, agencies, boards, commissions, councils, volunteers, contractors or its public bodies, make no warranties of any kind, whether express or implied, including but not limited to warranties of accuracy, fitness for a particular purpose, or of a recipient's right to use such public records or information. Recipients are solely responsible for investigating, resisting, litigating and settling such complaints, including the payment of any damages, costs, or attorney's fees, unless the Chippewa 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. Furthermore, Chippewa County, its elected officials, officers, department heads, agencies, boards, commissions, councils, volunteers, contractors, or its public bodies shall not be liable for any inaccuracy or omissions in such information or data and may require recipients to sign a general disclaimer to this affect.
- C. Except for the Chippewa County Board of Commissioners, by resolution adopted by a majority of those elected and serving, no officer, official, employee, or agent is authorized to make warranties, express or implied, including but not limited to warranties of accuracy, ownership, title, fitness for any particular purpose, or of a recipient's right of use regarding the enhanced public records of Chippewa County, its government information systems, or as to the product or output of those systems.