

ENHANCED ACCESS TO PUBLIC RECORDS POLICY

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

1. Definitions

- A. “Digital Orthophotography” means 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.
- B. “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.
- C. “Geographical information system” means an informational unit or network capable of producing customized maps based upon a digital representation of geographical data.
- D. “Person” means that term as defined in section 2 of the Freedom of Information Act, Act 442 of the Public Acts of 1976.
- E. “Public Body” means that term as defined in section 2 of the Freedom of Information Act, Act 442 of the Public Acts of 1976.
- F. “Public Record” means that term as defined in section 2 of the Freedom of Information Act, Act 442 of the Public Acts of 1976.
- G. “Software” means that term as defined in section 2 of the Enhanced Access to Public Records Act, Act 462 of the Public Acts of 1996.

2. Authorization

- A. The Planning and Economic Development Department 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.
- B. This policy does not require Macomb County to provide enhanced access to any specific public record.

- C. The Planning and Economic Development Department shall select which of its public records may be made through enhanced access.

3. Fees

- A. It is the policy of Macomb County to charge a reasonable fee for providing enhanced access to a public record.
- B. It is the policy of Macomb County to charge a reasonable fee for providing access to:
 - 1. A geographical information system
 - 2. The output from a geographical information system
 - 3. The output from digital orthophotography and related products
- C. “Reasonable fee” means a charge calculated to enable Macomb County to recover over time only those operating expenses directly related to the 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.
- E. The Planning and Economic Development Department shall establish a proposed reasonable fee for each public record made available for enhanced access or for access to a geographical information system/digital orthophotography or the output from a geographical information system/digital orthophotography. The proposed fee shall be presented to and approved by the Board of Commissioners before the fee shall be effective.
- F. 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/digital orthophotography or the output from a geographical information system/digital orthophotography.

- G. Enhanced access may be furnished without charge or at a reduced charge if the department determines that a waiver or reduction of the fee is in the public interest because 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 nonprofit research purposes such as academic or public interest research.
 3. The information is required to meet legal, programmatic, or governmental objectives.
 4. The cost of administering the fees would exceed the revenue to be collected.
 5. The fee would have a serious detrimental impact on the financial position of particular groups or classes of users.
 6. The fee would limit the number of users enough to compromise achieving program or other governmental objectives.
- H. Waiver or fee reduction shall be decided by the Planning and Economic Development Department. The Board of Commissioners shall approve the waiver or fee reduction prior to the award of that waiver or fee reduction.

4. **Disclaimer**

- A. Recipients of enhanced access receive all information “AS IS”. Macomb County, its officers, officials, employees, and 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 Macomb County Board of Commissioners 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.