

City of Mt. Pleasant

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. “Enhanced access” means a public record’s immediate availability for public inspection, purchase or copying by digital means. Enhanced access does not include transfer of ownership of a public record.
- B. “Geographical information system” means an informational unit or network capable of producing 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 City of Mt. Pleasant Departments 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, but only to the extent that the City Commission extends the coverage of this policy to a specific public record by adopting a fee schedule for the public record. [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(6)].
- C. City elected officials, division directors, department heads, agencies, boards, and commissions 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 government resources.
 2. Elected officials, division directors, department heads, agencies, boards, commissions, and other city 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. Mt. Pleasant City Government, in trust for the people of Mt. Pleasant, has a duty to ensure ownership of information products and city created intellectual property is protected and maintained.

3. **FEES**

- A. It is the policy of the City of Mt. Pleasant to charge a reasonable fee, as set from time to time by resolution of the City Commission, for providing enhanced access to a public record. [Sec. 3(1)(b)].
- B. It is the policy of the City of Mt. Pleasant to charge a reasonable fee for providing access to:
- (i) A geographical information system.
 - (ii) The output from a geographical information system.
 - (iii) Other electronic databases
- C. “Reasonable Fee” means a charge calculated to enable the City of Mt. Pleasant 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. The City Commission shall extend the coverage of this policy to a specific public record by adopting, by resolution, a fee schedule for that public record.
- F. Except as otherwise provided by act or statute or this policy, all persons shall be charged the reasonable fee approved by the City 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. All persons purchasing enhanced access data agree not to sell the information to a third party without the approval of the City of Mt. Pleasant.
- H. The City may provide another public body with access to or output from its geographical information system for the official use of that other public body, without charging a fee to that other public body, if the access to or output from the system is provided in accordance with a written intergovernmental agreement, and with MCL 15.443.
- I. The coverage of the Enhanced Access to Public Records Policy of the City of Mt. Pleasant is hereby extended to apply to the enhanced access for the following public records:

- GIS map layers
- BS&A Database
- Cemetery Database
- ESO Database

4. DISCLAIMER

- A. Recipients of access or enhanced access receive all information “AS IS”. The City of Mt. Pleasant, its officers, officials, employees, agents, volunteers, contractors or its public bodies, make no warranties of any kind, including but not limited to warranties of relative or positional accuracy, errors of omissions, commission content of the data, 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 payment of any damages or costs, unless the City Commission by resolution, elects to participate in the process at the City’s expense.
- B. Except for the City Commission, by resolution, no officer, official, employee, agent, volunteer, contractor or other person or public body may make any representation or warranty on behalf of the City or one of its public bodies.