

ATTACHMENT I

Saginaw Area GIS Authority

ENHANCED ACCESS TO PUBLIC RECORDS ACT POLICY

This policy was established pursuant to a Resolution adopted by the Saginaw Area GIS Authority on July 18th 2005. The policy identifies the procedures that the Authority Board and contractors are to follow when processing a request in accordance with the Enhanced Access to Public Records Act, Act No. 462 of the Public Acts of 1996, MCL 15.441 et seq.

1. DEFINITIONS

- A. **Act** means the Michigan Enhanced Access to Public Records Act, Act No. 462 of the Public Acts of 1996, MCL 15.441 et seq.
- B. **Saginaw Area GIS Authority** (herein called "SAGA") means the Saginaw Area GIS Authority, a Michigan municipal corporation.
- C. **Enhanced Access** means a public record's immediate availability for public inspection, purchase or copying by digital means. It does not include the transfer of ownership of a public record.
- D. **Geographical Information System** (herein called "GIS") means an informational unit or network capable of producing customized maps based upon a digital representation of geographical data.
- E. **Operating Expenses** include, but are not limited to, SAGA'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.
- F. **Person** means an individual, corporation, organization, or other legal entity. Individuals serving sentences of imprisonment in a state (Michigan or other states), county or federal correctional facilities are not considered persons within the definition of the Act.
- G. **Public Body** means the Board of SAGA.
- H. **Public Record** means a writing which is prepared, owned, used, in the possession of or retained by a public body in the performance of an official function from the time it is created and as otherwise defined by the Act.

- I. **Reasonable Fee** means a charge calculated to enable SAGA to recover, over time, only those operating expenses directly related to its provision of enhanced access.
- J. **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.
- K. **Submission of Request** - All requests must be submitted in writing by the requestor. Writings include requests submitted by facsimile, electronic mail or other electronic means.
- L. **Third Party** means a person who requests information from the geographical information system under this policy. However, third party does not include a person for whom a fee authorized under this policy is waived in accordance with an intergovernmental agreement described in Section 3(G) – Fees.
- M. **Withdrawal of Request** - All requests must be submitted in writing by the requestor. Writings include requests submitted by facsimile, electronic mail or other electronic means.

2. AUTHORIZATION

- A. Pursuant to MCL 15.441 et seq., SAGA's Board may provide enhanced access records for the inspection, copying, or purchasing of a public record that is not confidential or otherwise exempt by law from disclosure.
- B. SAGA's Board appointed SAGA's GIS Coordinator and the City of Saginaw Geographical Information Systems Administrator and Geographical Information Systems Assistant/Analyst as the Enhanced Access to Public Records Act Policy Coordinators.
- C. SAGA's GIS Coordinator and the City of Saginaw Geographical Information Systems Administrator and Geographical Information Systems Assistant/Analyst are 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. These records cannot be obtained pursuant to the Freedom of Information Act, MCL 15.231 et seq.

- E. 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. Confidential records or information exempt from disclosure by statute will not be released pursuant to SAGA's Enhanced Access to Public Records Act Policy.
 2. The Enhanced Access to Public Records Act Policy Coordinators are 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. SAGA, in trust for the people of Saginaw County, have a duty to ensure ownership of information resources and that its intellectual property is protected and maintained.

3. FEES

- A. It is the policy of the Authority to charge a reasonable fee for providing enhanced access to a public record.
- B. It is the policy of the Authority to charge a reasonable fee for providing access to the geographical information system or the output from geographical information system.
- C. It is the policy of the Authority to request payment prior to disclosure of documents.
- D. It is the policy of the Authority to request a good faith deposit of half of the estimated amount before commencement of work.
- E. Except as otherwise provided by act or statute, SAGA's Board, shall establish a proposed reasonable fee(s) for each public record made available for enhanced access or for access to the geographical information system or the output from the geographical information system. The proposed fee(s) shall be presented to and approved by SAGA's Board they shall be effective upon approval by the SAGA Board.
- F. Except as otherwise provided by law or this policy, all persons shall be charged the reasonable fees approved by SAGA's Board for enhanced access to the geographical information system or the output from the geographical information system.

- G. The Authority 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 that conforms with Section MCL 15.443(1)(d) of the Enhanced Access to Public Records Act and the other public body complies with the other requirements as it relates to collection and payment of fees to the Authority.
- H. A public body may furnish access or enhanced access records 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 records 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.
- I. Waiver or fee reductions shall be recommended by the Enhanced Access to Public Records Act Policy Coordinators 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 SAGA's Board prior to the award of that waiver or reduction.

- J. 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.
- K. If a requestor withdraws a request after the Enhanced Access to Public Records Act Policy Coordinator has begun work on a request, the requestor shall be responsible for paying all costs associated with compiling the records for the request up to the date, the Coordinator receives official written notice that the request has been withdrawn.

4. DISCLAIMER

- A. Recipients of access or enhanced access records receive all information "AS IS". The Authority, 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 SAGA's Board, by resolution adopted by a majority of those elected and serving, elects to participate in the process at the SAGA's expense.
- B. Except for the SAGA's Board, 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 Authority or one of its public bodies.