

**Eastern Upper Peninsula Regional Planning & Development Commission**  
**Enhanced Access Policy**

**PURPOSE:** This policy is established pursuant to the authority of the Enhanced Access to Public Records Act, 1996 P.A. 462, MCL 15441 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 public records, 2) to authorize the establishment of a fee schedule and to establish conditions for its waiver or reduction, 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. "Region" means the Regional Planning Commission of the Eastern Upper Peninsula, a designated State of MI Planning & Development Region (SPDR).
- B. "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.
- C. "Geographical Information System" (herein called GIS), means an informational unit or network that is capable of producing data, documents, images, or customized maps based upon a digital representation of geographical data. For the purposes of this Policy:
  - 1. "Access to a GIS" refers to the digital data that is created by a GIS
  - 2. "Output from a GIS" refers to a digital map or a hardcopy map created by a GIS
- D. "Operating Expenses" include, but are not limited to, the Region's direct cost of purchasing, 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. "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.
- F. "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.
- G. "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.
- G. "Director" means the Executive Director of the Regional Planning & Development Commission
- H. "Reasonable fee" means a charge calculated to enable the Region to recover over time those operating expenses directly related to the cost of providing enhanced access.

**II. AUTHORIZATION**

- A. Pursuant to the provisions of the Enhanced Access to Public Records Act, the Region may provide enhanced access to public records or GIS that is not confidential or otherwise exempt by law from disclosure.
- B. This policy does not require the Region to provide enhanced access to any specific public record or GIS if that record or GIS sought is not available through the Region's enhanced access system.
- C. The Region's Director shall determine which public records and GIS may be made available through enhanced access.

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**III. FEES**

- A. It is the Policy of the Region that a reasonable fee may be charged for:
  - 1. Providing access to a GIS
  - 2. Providing output from a GIS
  - 3. Providing enhanced access to a public record
- B. Except as otherwise provided by law, the Region's governing body shall approve reasonable fee(s) for each public record made available for enhanced access or for enhanced access to a GIS or the output from a GIS. The fees shall be effective upon approval by the Region's governing body.
- C. Except as otherwise provided by law or this policy, all persons shall be charged the reasonable fee(s) by the Region for enhanced access to a GIS or the output from a GIS.
- D. Fees to be charged under this Section may be reduced or waived by the Region's Director or his/her designee, in instances where he/she determines that:
  - 1. Release of the information is critical to public health, safety, or welfare;
  - 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 reasonable fee established would cause a financially detrimental impact for the requester;
- E. At the discretion of the Region's Director, or his/her designee, the Region may enter into agreements with other public bodies to provide enhanced access to a GIS or the 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.
- G. An employee of the Region or an individual appointed to the governing body of the Region shall not have an ownership in, or accept compensation from, an individual, group, etc., who sells the data or output from a Geographic Information System (GIS) that is obtained from the Region. However, this does not include compensation from the Region.
- 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 operating expense for providing a copy of the public record is otherwise specifically provided by an act or statute.

**IV. DISCLAIMER**

- A. Recipients of data from or the output from a Geographic Information System (GIS) receive all information "AS IS". The Region cannot and does not guarantee or warrant the accuracy of the information from the Geographic Information System (GIS). The Region, its employees, or governing body members 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.

The policy as described on the preceding pages was adopted at a meeting of the Eastern U.P. Regional Planning & Development Commission's Executive Committee, on September 21, 2011. Motion by Commissioner McLean, supported by Commissioner Reid, the motion carried unanimously and the policy was given immediate effect.

Adopted: September 21, 2011