

BRADY TOWNSHIP
POLICY
ENHANCED ACCESS TO PUBLIC RECORDS

1. PURPOSE: This policy is established pursuant to the authority of the Enhanced Access to Public Records Act, 1996 P.A. 462. This policy is intended to outline procedures for providing certain records to the public and establishing a fee for such records as allowable by law.

2. DEFINITIONS:
 - A. "Enhanced Access" means a public record's availability for public inspection, purchase, or copying by digital means. Enhanced access does not include the 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. "Operating Expenses" includes but is not limited to the Township'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, system development, employee time, and the actual cost of supplying the information or record in the form requested by the purchaser.
 - D. "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.

- 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.
- G. "Reasonable Fee" means a charge calculated to enable the Township to recover over time only those expenses directly related to the Township's provision of enhanced access.

3. AUTHORIZATION:

- A. Pursuant to Act No. 462 of the Public Acts of 1996, all Township of Brady 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 full disclosure. [Sec.3(1)(a); Sec. (3) of the Enhanced Access to Public Records Act, 1996 P.A. 462}
- B. This policy does not require a public body to provide enhanced access to any specific public record. [Sec. 3(4) of the Enhanced Access to Public Records Act, 1996 P.A. 462]
- C. Elected officials, department heads, boards, commissions, and board 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 governmental resources.
 - 2. Elected officials, department heads, boards, commissions, and other 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 investment must be driven by legal, programmatic, and governmental requirements.

4. Township of Brady government has a duty to ensure ownership of information products and Township created intellectual property is protected and maintained.

4. FEES

A. It is the policy of the Township of Brady to charge a reasonable fee for providing enhanced access to public records.

B. It is the policy of the Township of Brady to charge a reasonable fee for providing access to:

(i) A geographical information system.

(ii) The output from a geographical information system.

C. Except as otherwise provided by act or statute, the Township Administrator shall establish a proposed reasonable fee(s) for each public record made available for enhanced or for access to a geographical information system or the output from a geographical information system. The proposed fee(s) shall be presented to and approved by the Township of Brady before they shall be effective.

D. Except as otherwise provided by act or statute, all persons shall be charged the reasonable fee approved by the Township of Brady for enhanced access to a public record or for access to a geographical information system or the output from a geographical information system.

E. A public body may furnish access or enhanced access, without charge or at a reduced charge, if the public body determines that a waiver or reduction of fees is in the public interest because access or enhanced access can be considered as primarily benefiting the general public. Examples may include, but are not limited to, instances when:

- (i) The information is critical to public health or safety;
- (ii) The information is required for non-profit research purposes such as academic or public interest research;
- (iii) The information is required to meet legal, programmatic, or governmental objectives;
- (iv) The information explains the rights, entitlements and/or obligations of individuals;
- (v) The cost of administering the fees would exceed the revenue to be collected;
- (vi) The reasonable fees established would have a serious detrimental impact of the financial position of particular groups or classes of users.
- (vii) The reasonable fee established would limit the number of users enough compromise achieving program or other governmental objectives.

F. 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.

G. 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.

H. Waiver or fee reductions shall be decided by the elected officials, department heads, boards, and commissions legally responsible for the creation, preparation, ownership, custody, control, maintenance, preservation, guardianship, retention, possession, or use of the public records(s) in question. The waiver or fee reductions shall be approved by the Township board prior to such waiver or reduction.

5. Disclaimer

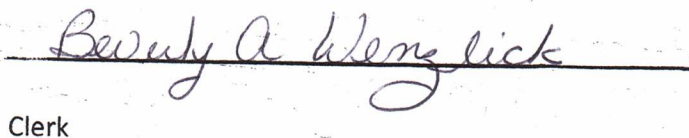
A. Recipients of access or enhanced access receive all information as is. Township of

Brady, 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 the accuracy or suitability of data accessed and any complaints that may arise from the use of such data.

B. Unless authorized by resolution of the Township of Brady, no other officer, employee, agent, volunteer, contractor or other person or public body may make any representation or warranty on behalf of the Township of Brady, or one of its public bodies.

Adopted by the Township of Brady on August 2, 2023


Supervisor


Clerk