

# Forsyth Township

## Enhanced Access To Public Records Policy

### PURPOSE:

This policy is established pursuant to the authority of the Enhanced Access to Public Records Act, 1996 P.A. 462. An Act to authorize public bodies to provide enhanced access to certain public records and to impose certain fees for providing that enhanced access; to regulate enhanced access to certain public records; and to authorize public bodies to establish and impose fees for the use of geographical information systems.

No removal of books, records or files will be permitted without a court order, in response to subpoena, or for audit purposes.

### DEFINITIONS:

1. Enhanced Access: 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.
2. Geographical Information System: an informational unit or network capable of producing customized maps based on a digital representation of geographical data.
3. 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, system development, employee time and the actual cost of supplying the information or record in the form requested by the purchaser.
4. Person: that term as defined in section 2 of the Freedom of Information Act, 1976 PA 442, MCL 15.232.
5. Public Body: that term as defined in section 2 of the Freedom of Information Act, 1976 PA 442, MCL 15.232.
6. Public Record: that term as defined in section 2 of the Freedom of Information Act, 1976 PA 442, MCL 15.232.
7. Reasonable Fee: a charge calculated to enable a public body to recover, over time, only those operating expenses directly related to the public body's provision of enhanced access.
8. Software: 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.
9. Third Party: a person who requests a geographical information system or output from a geographical information system under this act. However, third party does not include a person for whom a fee authorized under this act is waived in accordance with an intergovernmental agreement described in section 3.

## **PROCEDURES:**

Submission of Request: All requests must be submitted in writing by the requestor. Requests may be directed to the Forsyth Township Office or the Forsyth Township Assessing and Zoning Office. Writings include requests submitted by facsimile or electronic mail. Any requests made pursuant to Michigan's Freedom of Information Act, shall be made to the FOIA Coordinator and shall be subject to the statutory requirements of that Act. All withdrawal of requests must be submitted in writing by the requestor. Writings include requests submitted by facsimile or electronic mail.

Response to the request shall be made in a timely manner, not to exceed 5 business days, from the date of receipt of request. The request shall indicate the date, time and place when said public inspection of the requested public records shall take place. The establishment of the date and time of the public inspection of the requested public records shall be in the discretion of the responding Forsyth Township Employee. The place designated for the requested inspection shall be the Forsyth Township Office or the Forsyth Township Assessors Office where said public records are officially retained. The inspection time will be between the hours of 8:00 am and 4:00 pm, Monday through Friday, unless mutually agreed to by the Forsyth Township Employee and the requesting party.

## **FEES:**

A public body has the right to charge a reasonable fee for providing enhanced access to public records. It is the policy of Forsyth Township to charge a reasonable fee to provide enhanced access for the inspection, copying or purchasing of a public record that is not confidential or otherwise exempt by law from disclosure. A reasonable fee will be charged for providing access to either the Geographical Information System, or the output from a Geographical Information System. A fee shall not be charged unless failure to charge a fee would result in unreasonably high costs to the public body. A fee shall not be charged for the official use of another public body if the access from the system is provided in accordance with a written intergovernmental agreement that contains specifications listed in Act 462. The attached fee schedule will be reviewed and updated by the Forsyth Township Board as needed.

## **DISCLAIMER:**

Recipients of information pursuant to this policy receive all information "AS IS". Forsyth Township, its officers, officials, employees, agents, volunteers, contractors and its public bodies, make no warranties of any kind, including warranties of accuracy, fitness for particular purpose, or of a recipient's right of use. Recipients are solely responsible for investigating, resisting, litigation and settling such complaints, including the payment of any damages or costs.

No officer, official, employee, agent, volunteer, contractor or other person or public body may make any representation or warranty on behalf of Forsyth Township or its public bodies.

***This policy was adopted by the Forsyth Township Board at a Regular Meeting held on April 23, 2015.***

**PUBLIC ACCESS TO RECORDS**

**FEE SCHEDULE**

(Effective April 23, 2015)

NOTE: This schedule does not apply to public records prepared by Township Departments or Offices under any act or statute specifically authorizing the sale of those public records to the public or to fees that have been established and approved as part of the Forsyth Township Offices operating revenue.

<b>Type of Reproduction</b>	<b>Cost</b>	<b>Unit</b>
Copies of a Document	\$.10	Per page
Additional Copies of the Same Document	\$.10	Per page
Labor cost incurred in duplication	\$.16	Per 1 minute unit
Labor cost incurred for search, examination, review and the deletion and separation of exempt from nonexempt information	*\$6.32	Per 15 minute unit
Non-paper Physical Media (disc, flash drive)	\$5.00 \$0.50	Per Flash Drive Per CD
GIS Productions on 8 ½ x 11 or 8 ½ x 14 on regular paper	\$2.00	Per Page
Zoning Ordinance	\$50.00	
Printing Mailing Labels	\$25.00	
Equalizer Database on CD	\$750.00	

\*Hourly wage of the lowest paid departmental employee capable of retrieving the information necessary to comply with the request. The rate listed was calculated using the hourly wage of a Clerk/Secretary plus 50% of fringe benefits prorated to 15 minute units.