



OPEN DATA POLICY

Barry County, Michigan
March, 2023

1. PURPOSE

- a. In the interest of transparency and making information freely available to the public, Barry County desires to implement an Open Data Policy. Under this policy, Barry County will make certain data available on an open data portal free of charge.
- b. Making this data available to the general public on an open data portal free of charge has numerous benefits, including, but not limited to:
 - i. fostering civic engagement through data sharing between government agencies, citizens, businesses, and other community organizations;
 - ii. increasing the trust and improving the relationship between citizens, business, and government agencies; and
 - iii. enabling businesses and other citizen enterprises to make use of government data to promote economic development and increase investment.

2. DEFINITIONS

- a. “Geographic Information System Data” or “GIS Data” means the output from a Geographic Information System as defined by MCL 15.442(b) or the saved output (data file).
- b. “Open Data Portal” means a publicly-accessible web portal to access Open Data that is provided and maintained by Barry County.
- c. “Open Data” means a GIS Data that is published on the Open Data Portal.
- d. “Person” means that term as defined in Section 2 of the Freedom of Information Act, 1976 P.A. 442, and being Section 15.232 of the Michigan Compiled Laws.
- e. “Public Body” means that term as defined in Section 2 of the Freedom of Information Act, No. 442 of the Public Acts of 1976, and being Section 15.232 of the Michigan Compiled Laws.
- f. “Public Record” means that term as defined in Section 2 of the Freedom of Information Act, No. 442 of the Public Acts of 1976, and being Section 15.232 of the Michigan Compiled Laws.



3. AUTHORIZATION

- a. Pursuant to the Enhanced Access to Public Records Act, 1996 P.A. 462, Barry County may provide GIS Data or a public record's immediate availability for inspection and copying by digital means as long as the GIS Data or public record is not confidential or otherwise exempt by law from disclosure.
- b. This Open Data Policy does not require Barry County to provide, publish, keep, or provide access to any specific Public Record, GIS Data, or Open Data on the Open Data Portal.

4. PUBLICATION OF OPEN DATA

- a. Barry County may establish and maintain an Open Data Portal where access to Open Data will be provided.
- b. Except as otherwise provided in the Terms of Use on the Open Data Portal, Barry County shall not impose restrictions upon a Person to retrieve, download, sort, search, and reuse Open Data for any lawful purpose.
- c. Barry County shall not charge a fee for providing access to Open Data.
- d. This Open Data Policy shall only apply to Open Data.

5. PROCESS FOR PUBLICATION OF OPEN DATA

- a. The Barry County Department of Land Information Services is responsible for providing access to and maintaining the Open Data Portal.
- b. A Public Record or GIS Data that is exempt from disclosure under the Michigan Freedom of Information Act, 1976 P.A. 442, shall not be published on the Open Data Portal.
- c. Barry County elected officials, department heads, agencies, boards, commissions, councils, or other Barry County public bodies that are legally responsible for the creation, preparation, ownership, custody, control, maintenance, preservation, guardianship, retention, possession, or use of the Public Record or GIS Data shall select and/or approve, prior to publication on the Open Data Portal, which Public Records or GIS Data may be published on the Open Data Portal.



- d. Principles and policies to be considered in determining which Public Records or GIS Data may be published on the Open Data Portal include, but are not limited to, the following:
 - i. whether the Public Record or GIS Data will primarily benefit the general public or serve an educational purpose;
 - ii. whether the Public Record or GIS Data will benefit public health or safety;
 - iii. whether the Public Record or GIS Data will benefit non-profit research, such as academic or public interest research;
 - iv. whether the Public Record or GIS Data will enable businesses and other citizen enterprises to make educated decisions regarding economic development and investment;
 - v. whether the Public Record or GIS Data contains information that will uniquely identify a particular Person and constitute a clearly unwarranted invasion of personal privacy;
 - vi. whether the Public Record or GIS Data contains information that will compromise the safety or security of building or dwelling; or
 - vii. whether the harm of publishing the Public Record or GIS Data outweighs the public benefit.

6. DISCLAIMER

- a. Open Data is only for informational purposes and is provided “AS IS.” Barry County does not warrant or guarantee the completeness, accuracy, or content of the Open Data. Barry County, its officers, officials, employees, agents, volunteers, or contractors make no warranties of any kind, including but not limited to warranties of accuracy, fitness for a particular purpose, or of a Person’s right to use the Open Data.
- b. The Barry County Land Information Services Department shall provide a Terms of Use on the Open Data Portal, which shall include a disclaimer substantially similar to the above disclaimer in subsection (a), that the Barry County Land Information Services Department deems necessary and appropriate.