

DEPARTMENT OF PERSONNEL & ADMINISTRATION

COLORADO OPEN RECORDS ACT POLICY

The Department of Personnel & Administration (Department) is committed to transparency and open government. The following policy specifies how the Colorado Open Records Act (§ 24-72-201 to 206, C.R.S.) will be applied in a uniform and reliable manner. This policy helps ensure the Department complies in all respects with the Colorado Open Records Act (CORA) and meets all of its constitutional and statutory duties to the people of Colorado in an orderly and expeditious manner. This policy is not intended to be duplicative of CORA or to supersede state law. This policy shall apply to all divisions and programs within the Department. This policy applies solely to records requests where the Department is the custodian of records pursuant to CORA. Other state agencies may have different CORA policies.

Office procedure for handling records requests

All records requests made of the Department shall be immediately provided to the Open Records Request Liaison. All records that may be responsive to specific requests for information shall be provided to the Open Records Request Liaison as soon as possible. The Open Records Request Liaison will respond to all Colorado Open Records Act requests except in extraordinary circumstances.

The Department shall accept only records requests made in writing or electronically via e-mail. Records requests or requestors that cite the federal Freedom of Information Act shall be treated as though they were made pursuant to the Colorado Open Records Act.

When responding to a records request, the Department shall make every effort to respond within three working days as required by § 24-72-203(3)(b), C.R.S. The three-day response time starts when a records request is in the Department's possession. A request is received the day an e-mail or letter containing a request is opened. A request received after 4 p.m. or any day the Department is officially closed will be considered received as of the following business day (i.e., An email received at 4:09 p.m. Monday will be considered received Tuesday and will be responded to by close of business Thursday; a letter received Saturday will be considered received Monday and responded to by close of business Wednesday; a letter received at 4:35 p.m. Thursday will be considered received Friday and responded to by close of business Tuesday.) The Department can add up to a seven-working-day extension if extenuating circumstances apply, as defined in § 24-72-203(3)(b), C.R.S.

No employee of the Department shall modify, redact or omit any records they are required to provide the Open Records Request Liaison pursuant to this policy or his or her designee handling the request. Decisions about whether a record falls under the Colorado Open Records Act will be made by the Open Records Request Liaison. Office staff should never assume a document is exempt from the Colorado Open Records Act and should always consult the Open Records Request Liaison before making a final determination.

When feasible, the Department should endeavor to provide electronic copies or files to requestors if such alternative is significantly less burdensome to provide than paper records (see “The format of records produced” below). When responsive records cannot be easily or cost-effectively provided electronically to a requestor, the Department shall work with the requestor to schedule a time to inspect the records in person between 9 a.m. and 3 p.m. Monday through Friday. The Open Records Request Liaison may grant exceptions where the Department, requestors or the records produced require special accommodations.

These provisions shall not apply to records requests received and handled by employees as part of their work for State agencies or officials, such as the Office of Administrative Courts or the State Controller. When in doubt, please contact the Open Records Request Liaison and we will work together to determine an appropriate response.

Fees for document retrieval, review, copies and release of records

When a substantial request is made — requiring the production of more than 25 pages of documents or the use of more than two hours of staff time to locate or produce records — the Department **shall** charge the requestor for all copying expenses and reasonable, actual costs associated with staff time pursuant to § 24-72-205(5)(a), C.R.S.

When the number of pages produced pursuant to the Colorado Open Records Act exceeds 25 pages, the Department shall charge \$0.25 per page for all documents copied. When producing records consumes more than two hours of staff time, the Department shall charge \$20 an hour for all staff time associated with locating and producing records for a requestor. The Department also may charge an hourly rate greater than \$20 an hour when specialized document production or specialized skills are required to locate, compile or produce records pursuant to a records request, including the use of third-party contractors. Any costs charged to a requestor shall not exceed the actual cost of producing the records, per § 24-72-205(5)(a), C.R.S.

For requests where the Department anticipates more than 25 pages will be produced and/or more than two hours of staff time will be consumed, the Department shall provide a requestor with advance notice and an estimate of compliance costs. Such costs shall be paid in full before the production of records unless alternative arrangements have been made through the Open Records Request Liaison.

The format of records produced

The Colorado Open Records Act guarantees that “all public records shall be open for inspection by any person at reasonable times, except as provided in this part 2 or as otherwise specifically provided by law” (§ 24-72-201, C.R.S.). The Colorado Open Records Act does not guarantee access to the documents in a specific format. When the production or review of records in a specific format would interfere with the regular discharge of duties of Department employees (§ 24-72-203(1)(a), C.R.S.) or levy an undue burden upon the Department, the Open Records

Request Liaison shall determine the appropriate format for the records to be produced. Records maintained electronically may be produced electronically at the Department's discretion; this may or may not mean records are provided in their native format.

The Department may require that members of the public or press be allowed to review only copies of documents when the custodian of records determines that allowing access to originals could interfere with the regular discharge of duties of the Department or its staff or production of original records could jeopardize the condition of the records.

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