DPA DEPARTMENTAL POLICY	COLORADO Executive Director's Office Department of Personnel & Administration
COLORADO OPEN RECORDS ACT (CORA) & PUBLIC INFORMATION POLICY	EFFECTIVE DATE 3/2/2015 REVIEWED DATE: 2/26/2015 EXECUTIVE DIRECTOR APPROVAL Kara Veitch

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; the State Personnel Board follows this same policy but manages its own requests. 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 in order to comply with the statutory three working day response deadline. The Open Records Request Liaison will respond to all Colorado Open Records Act requests except in extraordinary circumstances specifically authorized by the Executive Director. Requests regarding records of the State Personnel Board should be made directly to its Director, who will respond on behalf of the Board.
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 working-day response time begins the first working day following receipt of the request. A request received after 4:00 p.m. or any day DPA 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 Friday; a letter received Saturday will be considered received Monday and responded to by close of business Thursday). 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, or his or her designee, pursuant to this policy. 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 a final determination is made.

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 4 p.m. Monday through Friday. The Open Records Request Liaison may grant exceptions where the Department, requestors or the records produced require special accommodations.

This policy shall not apply to requests for records made of the Office of Administrative Courts, the State Personnel Board or State Archives as part of their regular work that is not governed by CORA (i.e., court documents or historical records). When in doubt, please contact the Open Records Request Liaison for clarification.

When the Department is not the custodian of the record(s) requested, the Open Records Request Liaison will respond with a formal written notice and, whenever possible, will identify and provide contact information for the correct custodian. In cases where the State Personnel Board is the custodian of the records, the Open Records Request Liaison will respond with a formal written notice informing the requestor that we have forwarded the request to the State Personnel Board.

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 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. It is the Department's policy to provide records as PDF files whenever possible so as to maintain the integrity of the record to the highest degree possible.
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.

The Department manages multiple extremely large databases that contain private information. In order to maintain the privacy of that data, the Department's policy is to query those databases for any public information requested. While the Colorado Open Records Act does not require the Department to create new records, the Department may chose to do so rather than providing access to the entire database.

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

When a request is made requiring more than one hour of staff time to locate or produce records, the Department shall charge the requester for all copying expenses and reasonable, actual costs associated with staff time pursuant to § 24-72-205(5)(a) and (6)(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 one hour of staff time, the Department shall charge $30 an hour for all staff time associated with locating and producing records for a requestor. 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 when the Department anticipates more than 25 pages will be produced and/or more than one hour 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. Charges will be updated to reflect actual costs and the Department will refund any difference to the requestor.