



Colorado Open Records Act (CORA) Policy

The Disability Funding Committee (DFC) 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 DFC 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 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 open records requests made of the DFC shall be immediately provided to the Committee Administrator. All records that may be responsive to specific requests for information shall be provided to the Administrator as soon as possible in order to comply with the statutory three working day response deadline. The Administrator will respond to all Colorado Open Records Act requests except in extraordinary circumstances.

The Administrator 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 Administrator 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 by the Administrator. A request received after 4:00 p.m. 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 DFC can add up to a seven-working-day extension if extenuating circumstances apply, as defined in § 24-72-203(3)(b), C.R.S.

An Open Records Request made directly to members of the DFC, or staff members other than the Administrator, shall not be subject to the three working-day response time until it is delivered to the Administrator in writing.

No member of the DFC shall modify, redact or omit any records they are required to provide the Administrator, 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 Administrator. Members of the DFC should never assume a document is exempt from the Colorado Open Records Act and should always consult the Administrator before a final determination is made.

When feasible, the DFC 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 Administrator 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 Administrator may grant exceptions where the Administrator, requestors or the records produced require special accommodations.

When the DFC is not the custodian of the record(s) requested, the Administrator shall respond with a formal written notice and, whenever possible, will identify and provide contact information for the correct custodian.

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.). CORA 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 the Administrator (§ 24-72-203(1)(a), C.R.S.) or levy an undue burden upon the DFC, the Administrator shall determine the appropriate format for the records to be produced. Records maintained electronically may be produced electronically at the DFC’s discretion; this may or may not mean records are provided in their native format.

The Administrator 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 DFC or production of original records could jeopardize the condition of the records.

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

When a request is made requiring more than one hour of Administrator or staff time to locate or produce records, the DFC shall charge the requestor for 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 DFC shall charge \$0.25 per page for all documents copied. When producing records consumes more than one hour of staff time, the DFC shall charge \$30 an hour for all Administrator or 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 DFC anticipates more than 25 pages will be produced and/or more than one hour of Administrator or staff time will be consumed, the Administrator 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 DFC will refund any difference to the requestor.