



Open Records Policy

SCOPE AND PURPOSE

This policy applies to all requests to inspect records of the Town of Lochbuie pursuant to the Colorado Open Records Act ("CORA"), Section 24-72-200.1, et seq., C.R.S. The purpose of this policy is to:

- protect the integrity of the records, and
- prevent unnecessary interference with the regular discharge of the duties of the custodian's office.

DEFINITIONS

Definitions found in Section 24-72-202, C.R.S., as amended from time to time, shall apply unless the context clearly requires a different meaning in accordance with customary usage. As used herein, "Town Clerk" shall mean the appointed Town Clerk or his or her designee.

POLICY

CORA requires that all public records be open to inspection by any person at reasonable times unless excepted by law. This policy is intended to promote transparency and allows the Town to charge expenses incurred from research and retrieval of public records. All CORA requests must be submitted in the manner set by this policy.

PROCEDURE

1. The Town Clerk is the custodian of Town records. All requests to inspect public records must be submitted in writing to the Town Clerk by use of Town Open Records Request Form. Requests may be accepted via email, mail, fax, or hand delivery.
2. All requests for records must be specific as to the records sought and the relevant dates covered by the request. Requests for correspondence must identify the parties to the correspondence. For any request that is vague or broadly stated, the Town Clerk may require the requestor to provide a more specific request before responding. The requestor may contact the Town Clerk with any questions.
3. Access Times: All public records shall be open for inspection in the Town Hall from 8:00 a.m. to 5:00 p.m., Monday through Friday, except on Town observed holidays.

4. The Town will fulfill all Public Records requests within three (3) working days of the date of receipt if the records are readily available. An additional seven (7) working days may be added if the records are in active use or in storage and not available, the request is overly broad, or the request is for a large volume of records. If the additional days are necessary, the Town Clerk will notify the requestor in writing of the extenuating circumstances within the initial three working day period.
5. The date the request is received by the Town Clerk will constitute the "date of receipt" for purposes of calculating the three- or seven-day requirement to fulfill the request. Any request received between 5:00 p.m. and midnight, or on a non-working day, will be deemed received on the following working day.
6. The Town will not disclose certain records if disclosure is contrary to state or federal law or regulation or to a court order. The Town will not provide certain records exempt under CORA from disclosure. Examples of such records include, but are not limited to: trade secrets, privileged information, such as attorney-client communications, and confidential commercial information; executive session records; deliberative process privileged materials; sexual harassment complaints and investigations; materials submitted by certain applicants for executive positions; medical, psychological, sociological, and scholastic achievement data; records on users of public facilities; personnel files and letters of reference; juvenile information; and personally identifiable information including social security numbers, dates of birth, electronic mail addresses, and driver's license or other state identification numbers.
7. If the Town Clerk determines that the request for a record is denied, within three (3) working days of the date of receipt of the CORA request, the Town Clerk will notify the requestor in writing that access to such record is denied and the reasons for denial.
8. If the requested record is not available (lost, non-existent, etc.), the Town Clerk shall notify the requestor in writing within three (3) working days of the date of receipt of the request.
9. If the request is determined to be within the guidelines of CORA and the request will generate a fee, the Town will provide a cost estimate to complete the request.
10. If the cost estimate is in excess of \$20, the total estimated amount will be collected by the Town Clerk as a deposit before proceeding with the request. The actual charge of fees will be deducted from the deposit and the Town Clerk will refund any remaining amount to the requestor. If an amount above the deposit is due, the Town Clerk will collect this amount at the time of the document distribution.
11. Upon notice to the requestor that public records are available for inspection, the records will be made available for inspection for thirty days from the date of the notice. If the requestor does not inspect the records within that thirty-day period, the CORA request will be deemed closed.
12. Requested records pursuant to CORA will not be modified/omitted with the exception of information exempt from disclosure.
13. No employees should assume a document is exempt from CORA.

FEES

The Town may charge for staff time spent gathering, researching, retrieving and/or redacting documents to be provided pursuant to a CORA request and for copies. Fees are as follows.

- Staff time spent responding to a record request, including research, gathering, retrieving, and/or redacting data will be assessed for the records request. The Town does not charge for the first hour of staff time. After the first hour, the staff time will be charged in quarter hour increments. A time log outlining staff time spent responding to the request shall be provided. Fees for research and retrieval and other staff activity described in this paragraph are charged at \$30.00/hour.
- Records may be emailed to the requestor free of charge if the document already exists in electronic form and additional staff time over one hour is not required to fulfill the request.
- The charges for copies of documents are \$0.25/page for copying a standard 8½ x 11" or 11 x 17" page, \$2.00/page for larger documents, \$1.00/page for color copies, and actual Town copy costs if third-party printing is required.
- The Town may charge up to the actual cost for copying nonstandard public records such as (without limitation) CDs and audio recordings. Actual cost charges pertain to the materials used to copy and do not include staff time/compensation in retrieval and copying costs.
- The charge of \$30/hour staff fee for time spent after the first hour will be adjusted annually for inflation pursuant to Section 24-72-205(6)(b), C.R.S.
- The Town reserves the right to charge fees to cover the cost of transmission via postal or another carrier.

FORMAT

1. The Town Clerk will provide records stored in a digital format in that same format that the record is stored. For example:
 - a. If the record is stored in a digital format that is neither searchable nor sortable, the Town Clerk will provide a copy of the record in that same format (*such as a scanned or saved document in non-searchable PDF format*).
 - b. If the record is stored in a digital format that is searchable, but not sortable, then the Town Clerk will provide a copy in a searchable format (*such as Word or a searchable Portable Document Format [a.k.a. "PDF"]*).
 - c. If the record is stored in a digital format that is sortable, then the Town Clerk will provide a copy of the record in a sortable format (*such as Excel or a comma-separated values format [a.k.a. "CSV"]*).
2. The Town is not required to produce a public record in a searchable or sortable format if: (1) producing the record would violate the terms of any copyright or licensing agreement or result in the release of a third party's proprietary information; (2) it is not technologically or practically feasible to permanently remove information that the Town is required or allowed to withhold

- within the requested format; (3) it is not technologically or practically feasible to provide a copy in a searchable or sortable format; or (4) if the Town would be required to purchase software or create additional programming of functionality in its existing software to remove the information.
3. If the Town is not able to provide the record in the digital format for the reasons specified in item 3 above, the Town Clerk will complete the request in an alternate format or issue a written denial.

EFFECTIVE DATE

This policy shall be effective upon signature.

APPROVAL



Steve Stamey, Town Administrator

FEBRUARY 5, 2019

Date