



# Town of Blue River

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## Open Records Policy

- I. **Authority:** The public policy of the State of Colorado and the Town of Blue River (“Town”) requires all public records to be open for inspection at reasonable times unless specifically exempted by law. Colorado Open Records Act, C.R.S. § 24-72-200.1, et seq. (“CORA”). CORA further authorizes the official custodian of public records to formulate rules and regulations with reference to the inspection of these records which:
- Protect the integrity of the records; and,
  - Prevent unnecessary interference with the regular discharge of the duties of the custodian’s office.

- II. **Definitions:** Definitions found in C.R.S. § 24-72-202, 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/her designee.

III. **Policy**

CORA requires that all “Public Records,” as such term is defined therein, be open to inspection by any person at reasonable times unless excepted by law. This policy is intended to promote transparency and authorize the Town to charge fees and expenses incurred from research, retrieval and providing copies of public records. All CORA requests must be submitted in the manner set by this policy.

IV. **General Procedures:**

- The Town Clerk is the custodian of Town records. All records to inspect public records must be submitted in writing to the Town Clerk by use of Town Public Records Request Form. Requests may be accepted via email, mail, fax, or hand delivery.
- 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 request the requestor to provide a more specific request before responding. The requestor may contact the Town Clerk with any questions.
- Access Time: Inspection of Public Records shall be in the Town offices from 7:00 a.m.-5:30 p.m., Tuesday-Friday, except on holidays observed by the Town.

- No original Public Records shall ever leave the possession or control of the Town Clerk.
- The Town will fulfill a Public Records request within three (3) working days unless extenuating circumstances exist as defined by C.R.S. § 24-72-203(3)(b). If extenuating circumstances are deemed to exist, then seven (7) working days may be added to the permitted timeframe to fulfill a Public Records request. The Town Clerk shall notify the requester in writing of extenuating circumstances within the initial three (3) day period.
- 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.
- The Town will not make available 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 that are not Public Records or are otherwise 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.
- 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, including the law or regulation under which access is denied.
- Any person denied the right to inspect any record covered by CORA may apply to the district court of the district wherein the record is found for an order directing the Town Clerk to show cause why the custodian should not permit the inspection of such record subject to such person following the dispute resolution procedures for such appeals as set forth in Section 24-72-204(5), C.R.S.
- 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.
- If providing the requested records for inspection or providing copies thereof shall result in a fee as set forth in Section V of this Policy, the Town Clerk shall estimate such fees. 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 inspection or copy distribution.
- 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.

- Requested records pursuant to CORA will not be modified/omitted with the exception of information exempt from disclosure.
- No employees should assume a document is exempt from CORA.

**V. Fees:**

Fees and costs 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 costs for copies of documents are \$.025/page for copying a standard 8 1/2 x 11" or 11x17" page, and/or a fee not to exceed the actual cost of providing a copy, printout, or photograph of a public record in a format other than a standard page and actual Town copy costs if third-party printing is required.

**VI.** If, in response to a specific request, the Town has performed a manipulation of data so as to generate a record in a form not used by the Town, the Town Clerk shall set and charge a reasonable fee to the person making the request, which fee shall not exceed the actual cost of manipulating the data and generating the record in accordance with the request. Persons making subsequent requests for the same or similar records may be charged a fee not in excess of the original fee. **Format**

- The Town Clerk will provide records stored in digital format in that same format that the record is stored. For example:
  - i. If the record is stored in a digital format that is neither searchable nor storable, 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).
  - ii. 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"]).
  - iii. 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"]).
- 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.

- 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.

**VII. Effective Date:** This policy shall be effective upon signature.

**VIII. Approval:** \_\_\_\_\_ June \_\_, 2020  
**Michelle Eddy, Town Clerk**