



**SECTION 1 GENERAL AND ADMINISTRATIVE POLICIES**  
**NUMBER 1.10 Guidelines for Handling Requests for Public Records**  
(July 1, 2016)

Colorado statutes (C.R.S. § 24-72-200.1, *et seq.*) set forth the rights and requirements of the Colorado Open Records Act (CORA). Generally, the public has the right to access the public documents of a governmental entity. Boulder County EO/DH are the custodians of records maintained within their respective offices and departments. A completed Public Records Request Form should be sent directly to the office/department that maintains the records. A fee may be charged for these records; refer to section C of this policy, which addresses fees.

It is the policy of the BOCC that all public records shall be open for inspection by any person at reasonable times, except as provided by the Colorado Open Records Act (CORA) or by other laws. This policy is intended to provide a guideline for employees handling public records requests and will be deemed modified by additional or new language added to CORA.

Although "all public records are to be open for inspection by any person at reasonable times," procedures for such disclosure can be subject to rules and regulations made by the official custodian or the custodian. C.R.S. § 24-72-203(1)(a). These rules and regulations are authorized, if they are reasonably necessary for the protection of such records and for the prevention of unnecessary interference with the regular discharge of the duties of the custodian or his/her office/department. C.R.S. § 24-72-203(1)(a). Such rules and regulations cannot change the Act; for example, such rules and regulations cannot limit who is entitled to records or limit what records are open for inspection. This policy is intended as a general guideline to assist employees in handling public records requests. However, depending upon the circumstances of a request, the county reserves the right to allow a custodian to establish specific rules and regulations necessary for the protection of such records and for the prevention of unnecessary interference with the regular discharge of the duties of the custodian or his/her office/department.

A. Definitions

The 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. Two (2) definitions of particular importance are listed below:

1. Public Records: “[A]ll writings made, maintained, or kept by... [any] political subdivision... for use in the exercise of functions required or authorized by law... or involving the receipt or expenditure of public funds.” C.R.S. § 24-72-202(6)(a)(I). CORA does not include criminal justice records, which are addressed by the Colorado Criminal Justice Records Act, C.R.S. § 24-72-301 to -309.
2. Writings: [A]ll books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials, regardless of physical form of characteristics. ‘Writings’ includes digitally stored data, including without limitation electronic mail messages, but does not include computer software.” C.R.S. § 24-72-202(7).

#### B. Procedure

1. The county has determined that the use of an official request form to be used by members of the public is necessary for the efficient handling of such public records requests. The Public Records Request Form should be given to any individual who makes a request that is not on the form, or the individual should be directed to the web page where a fillable PDF version of the public records request page is located:  
<http://www.bouldercounty.org/records/public/pages/pubrecform.aspx> or HR to receive a request form. The individual should be told that county policy requires that requests be made on this form and the employee should make every effort to ensure that the individual is given enough information to access the form without delay. Once a request is received on the official Public Records Request Form, a copy should be transmitted to the CA Office immediately. Additionally, if the records are not held by the office/department receiving the request, the request should be transmitted to the office/department that maintains the records being sought. The county has a limited amount of time within which to respond to public records requests and employees receiving such requests should be familiar with these statutory deadlines. See Section D, Time for Accessing Public Records, in this policy for more information regarding timelines.
2. The Clerk to the BOCC is the official custodian of all records centrally maintained by the county. Elected officials and department heads are the official custodians of all records maintained within their offices or departments. The IT Division

Director is the official custodian of emails. It is the responsibility of each department head to become familiar with and to educate his/her affected employees about the standards and requirements of this policy.

Elected officials may develop their own policies and procedures regarding public records in their custody; however, to the extent that the county has custody of any public records of an elected official, the county shall, in consultation with the elected official, meet any requirement of the CORA as it may apply to documents in the county's possession.

If the public records requested are not in the custody or control of the person to whom the application is made, such person shall "forthwith" notify the applicant of this fact, in writing if requested by the applicant. In such notification, the person shall state in detail to the best of the person's knowledge and belief the reason for the absence of the records from the person's custody or control, the location of the records, and what person then has custody or control of the records. C.R.S. § 24-72-203(2)(a).

3. Requests for information that do not include a request for public records are not CORA requests. A custodian may respond to such a request by stating that CORA does not apply.

#### C. Fees

1. Requests for records which fit the following criteria may, in the judgment of the official custodian, be provided free of charge:
  - a. A single request for electronic documents retrievable within one hour; or
  - b. Agenda materials which have been prepared in advance and which are in support of items scheduled for consideration by the BOCC at a future date (copying fees may still apply), unless the request exceeds copies in excess of fifty pages of material; or
  - c. Records which are normally produced for public information, such as the current year budget document, brochures on county services, or procedures, etc.
2. In all cases where a person has the right to inspect any public record, s/he may request copies, printouts or photographs of such record.
  - a. The fee for copies and printouts shall be \$.25 per page. In addition, actual costs may be charged and may include

staff time if the records created are in a format other than word processing or if the records are larger than the customary letter-size page. Fees may be waived or reduced with prior approval of the BOCC, or the EO/DH.

- b. In the case of a request for a computer printout other than word processing, the fee may be based on the recovery of the actual incremental costs of providing the electronic services and products together with a reasonable portion of the costs associated with building and maintaining the information system.
- c. All payments for copies etc. must be received in advance of releasing the requested records.
- d. Checks for copies shall be made payable to Boulder County.
- e. Departments may charge for time spent responding to large requests, including without limitation, overseeing and managing requests, requests that require the searching of files for specific information, manipulating data (including manipulating data in order to generate a record in a form not used by the county, although such manipulations is not required by CORA), or redacting documents to excise confidential information. The charge for these kinds of services shall be \$30.00 per hour. All time spent on such tasks may be charged to the requestor. When staff time in excess of three hours is required to respond to a records request, a time log should be maintained describing the time spent in responding to the request. For large requests, a deposit of the estimated cost of work shall be collected before work begins. The time period for responding does not begin to run until the county receives the deposit. If actual charges are less than the deposit, the balance will be refunded.
- f. Official custodians may treat serial or multiple requests from the same person, entity, or group for documents related to the same or similar subject matter as a single request for purposes of assessing fees.

#### D. Time for Accessing Public Records

1. Time for Inspection of Records – Three working days within receipt of request.

If the requested records are in active use or are in storage and, therefore, are not available right away, this fact shall be communicated to the applicant “forthwith” in writing if requested. The custodian shall set a date and hour within three

(3) working days when the records will be available for inspection.

2. Extension of Time to Ten (10) Working Days

The period of providing requested documents for review may be extended up to ten days if the custodian determines that one of the following conditions exists, and, states such condition in writing to the requestor within the first three (3) days that the request was received:

- a. A broadly stated request is made that encompasses all or substantially all of a large category of records and the request is without sufficient specificity to allow the custodian reasonably to prepare or gather the records within the three (3) day period; or
  - b. A broadly stated request is made that encompasses all or substantially all of a large category of records and the custodian is unable to prepare or gather the records within the three (3) day period because the custodian or department needs to devote all or substantially all of its resources to meeting an impending deadline or period of peak demand that is either unique or not predicted to recur more frequently than once a month; or
  - c. A request involves such a large volume of records that the custodian cannot reasonably prepare or gather records within the three (3) day period without substantially interfering with the custodian's obligation to perform other public service responsibilities.
3. In no event can extenuating circumstances apply to a request that relates to a single, specifically identified document.
  4. If the request is too broad, speculative or voluminous to prepare in ten (10) days, the county may request relief from the court, including attorney's fees, as provided by law.
  5. The time period for response does not begin to run until the county receives the request on the county's official Public Records Request Form.

CORA requests received on weekends, county holidays, county closure days, or after regular business hours, are deemed received on the following working day.

E. Reviewing Records

The custodian of the records may set the location where the records may be viewed by the requestor. In no event may a requestor remove documents or add documents to those provided for review. The requestor shall not bring and shall not use cameras, photocopiers, digital copiers, fax machines or any other copy, scanning or

reproduction device to copy county records. Upon completion of the review, the requestor must mark the pages s/he wishes to have copied with adhesive tabs. Copies will be made at a later time, depending upon volume. The requestor will be notified when the copies are available for pick-up.

If the custodian has the capability to make reproductions s/he shall do so at the rates set in the section entitled Fees, above. If the custodian does not have the facilities for making copies, printouts, or photographs of the records, the custodian may make arrangements for the services to be rendered at another facility. If other facilities are necessary, the person desiring a copy, printout or photograph of the record shall pay the cost of providing them. In no event shall the records leave the custody and possession of a county employee during this process (other than providing the items to the third party facility for reproduction). The county is under no obligation to allow members of the public access to county computers nor is the county obligated to provide records in electronic format.