



POLICY REGARDING ACCESS TO PUBLIC RECORDS

Purpose: The Eaton Area Park and Recreation District (“District”) supports, and complies with, all federal and state laws relating to the retention, protection and disclosure of District records including, but not limited to, the Colorado Open Records Act, Title 24, Article 72, Part 2, C.R.S. (“CORA”). The District has adopted this policy to assure prompt and reliable service to citizens requesting access to public records, regardless of the format of those records, in accordance with the requirements of the CORA. This policy does not apply to criminal justice records, as defined in C.R.S. § 24-72-302.

Authority: The District’s Secretary is hereby designated as the official custodian of records pursuant to CORA. If the District appoints or contracts with a District manager or administrator, the District manager or administrator or his or her designee shall thereafter be designated as the official custodian of records. C.R.S. § 24-72-203(1)(a) allows the official custodian of records to make reasonable rules and regulations with reference to the copying and inspection of public records as necessary to protect the records and prevent unnecessary interference with the regular duties of the custodian.

Background: C.R.S. § 24-72-202(6)(a) defines public records as all writings made, maintained, or kept by any local government “for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds.” The definition of public records also includes the correspondence of elected officials, except to the extent that such correspondence is: 1) a work product, 2) without a demonstrable connection to the exercise of functions required by law or administrative rule, 3) a communication from a constituent to an elected official that clearly implies by its content that the constituent expects that it is confidential in nature or subject to nondisclosure or 4) subject to nondisclosure pursuant to procedures in C.R.S. § 24-72-204(1). Additionally, C.R.S. § 24-72-202(7) defines writings to include “all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials, regardless of physical form or characteristics,” and includes “digitally stored data, including without limitation electronic mail messages, but does not include computer software.” More extensive statutory definitions may be found at C.R.S. § 24-72-202. The District maintains an archive of all e-mail messages for emergency backup purposes only; such archived e-mail communications are not individually retrievable and are specifically not intended to create a public record.

Policy: The District shall make all records available for public inspection unless such records are protected from disclosure by state or federal law, by court order, or unless disclosure of such records would be contrary to the public interest.

All requests shall be made in writing. The official custodian of records shall, within three (3) working days of the date the request is made, either set a date, time, and on-site location where the records can be inspected or provide copies of the records to the requestor. In the case of a request received by U.S. Postal mail, e-mail, or fax, the official custodian of records shall respond within three (3) working days of receipt of the request. Such period may be extended if extenuating circumstances exist (per C.R.S. § 24-

72-203(3)(b)), but the extension period shall not exceed seven (7) additional working days. If a deposit is required, the request is not considered received until the deposit is paid.

If a record contains both public and confidential material, the District is not required to redact confidential material in order to comply with a request for the record. However, the official custodian of records may agree to provide redacted records provided that the requestor pays for the redaction time as part of the fee applicable to research and retrieval of documents.

With respect to records kept only in miniaturized or digital form, the official custodian of records may take measures necessary to assist the public in copying or inspecting any specific public record without unreasonable delay or cost. In the official custodian's sole discretion, such efforts may include, but are not limited to, providing portable disk copies or computer files, referring the requestor to the District's website, providing hard copy printouts, or providing the requested records in any other format deemed appropriate by the custodian.

Fees and charges: The District shall charge for copies requested in the amount of \$.25 per page in standard size and format. The charge for providing a copy, printout or photograph of a public record in a format other than a standard page will be assessed at the actual cost of production. In addition, the District shall provide the first hour of research and retrieval time free of charge and shall charge \$30.00 per hour for research and retrieval time thereafter expended in increments of fifteen (15) minutes.

The District shall also charge a fee for any manipulation of data needed to generate a record in a form or format not used by the District. This fee shall not exceed the actual cost of manipulating said data and generating the record. If the requested public record is a result of computer output other than word processing, the fee for a copy, printout, or photograph shall be based on 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. Data kept by the District but generated by a third party shall be charged at actual cost paid to the third party, in addition to other applicable charges.

Any fee charged for the research and retrieval will be the same for all requesting parties, whether the person requesting the records is an individual, a representative of the media, a public or private entity, or a for-profit or nonprofit entity. Persons making a subsequent request for the same record shall be charged the same fee.

If the District estimates that the request shall have a total charge of \$10.00 or more, the District may require the requestor to provide a deposit of one-half the estimated amount if the requestor lives within the District limits or one-hundred percent (100%) of the estimated amount if the requestor lives outside District limits. This deposit shall be credited toward the total fee, and the total fee shall be paid prior to release of the requested records. In the event the deposit amount exceeds the actual costs, the balance shall be refunded within 30 days.

This Policy is adopted by Board Resolution No. 2015-03.