



Title: Open Records Policy

1. Purpose: To assure prompt and equitable service to citizens requesting access to public records, in accordance with the requirements of the Colorado Open Records Act, C.R.S. § 24-72-201, et seq.

2. Applicability: This policy applies to all county departments and offices under the authority of the Elbert County Board of County Commissioners (BOCC). Adoption of this or similar policy by other elected offices is encouraged. This policy does not apply to criminal justice records or public records maintained by appointed or elected officials unless adopted by said appointed or elected officials.

3. Proponent: County Attorney

4. General Information: In keeping with the BOCC belief that that openness and transparency requires that that the business of County Government should be accessible to effective public review, this policy describes our implementation of the Colorado Open Records Act, C.R.S. § 24-72-201, et seq. ("CORA"). Therefore, most records are public and open for inspection. Elbert County's elected officials are the official custodians of records maintained within their respective offices. This policy pertains to all records maintained by County Offices and Departments, *except* for the Sheriff's Office's Criminal Justice Records. This document is subject to modifications to CORA, or other State Statutes, which shall supersede any conflicting provisions in this document. Generally, and unless extenuating circumstances exist, properly requested records will be responded to within three working days.

5. Policy:

a.) Access to Records. The CORA guarantees that the public has access to the records of government bodies at all levels in Colorado. Most records are public and open for inspection. Elbert County's elected officials and department heads are the official custodians of records maintained within their respective offices and departments.

1) Public records. Public records are defined as "all writings made, maintained, or kept by the state or any agency, institution... or political subdivision... for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds." C.R.S. § 24-72-202(6). Criminal justice records are not included in this definition.

2) Writings. Writings are further defined to include "all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials, regardless of physical form or characteristics. Writings include digitally stored data, including without limitation electronic mail messages, but does not include computer software." C.R.S. § 24-72-202(7).

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3) General Information and Interpretation of Records. While the CORA does not require that any new public record be produced in response to a request, the County recognizes that altering a public record to remove information that cannot be disclosed under CORA will not constitute the creation of a new record. nor does it require the county to interpret the meaning of documents provided in response to a request. However, the BOCC does expect that reasonable requests for assistance to better understand our county and its operations made by citizens will be addressed. Such requests, however, cannot be allowed to unduly disrupt the day-to-day activities of that specific office or department.

4) Restricted Records. Records that are prohibited from disclosure under CORA or other statute(s) cannot be made available to the public. The County may also withhold certain private and/or financial information about individuals that will not be released except upon the approval of that individual.

b) Records Custodian. The custodian of records for Elbert County is as designated by each department head or elected official.

c) Physical Review of Public Records. Citizens may request to physically review publicly available county documents. The Custodian of Records and/or responding parties may set the location where the records may be viewed for inspection by the requestor. In no event shall a requestor remove records or add records to those provided for inspection, nor will photography or scanning be allowed of such records, unless such is being conducted by the Custodian of Records and/or responding parties on behalf of the County. Should the requestor desire to obtain copies of the records, the request shall notify the Custodian of Records and copies will be made at the rates set forth in the section entitled Applicable Fees.

1) In order to protect the integrity of original public records, citizens may:

(a) Be supervised by a county employee within the area where the records are stored and/or maintained;

(b) Be required to review records in a designated area or be asked to schedule for a particular time of day in order to not unduly disrupt the day-to-day activities of that specific office or department;

(c) Be required to submit the request in writing if the records custodian believes it is reasonable and appropriate based on the specific and unique circumstances of the request or will help us to better serve your needs for identifying the records you are requesting.

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(2) Records that are prohibited from inspection under CORA and other statute(s) shall not be made available for public inspection. The denial of inspection shall be specific and based on reasons provided under CORA as listed in C.R.S. 24-72-204.

d. Requests for Records.

(1) Citizen Request Procedures.

(a) To request public records, citizens may contact the Elbert County Custodian of Records to obtain the records request form [or download the form from the county website](#). The County has determined that the use of an official request form to be used by the citizen is necessary for the efficient handling of such public records requests. Requests must be [submitted in legible form, with the records request form completely filled out, to include full name, address, and contact information including phone number and email, and signature of the requesting party. Such party must present a valid form of identification when collecting the contents of any request, to authenticate identification of the individual making the request, and receiving the information.](#)

(b) [In the event that an open record request is made via email, such request will include a scanned copy of a valid form of identification to authenticate the identification of the individual making the request, and receiving the information. Electronic requests must contain a copy of the records request form completely filled out to include full name, address, and contact information including phone number and email, and signature of the requesting party. Any electronic request for records must include a copy of valid identification. Such electronic requests must be sent to \[openrecords@elbertcounty-co.gov\]\(mailto:openrecords@elbertcounty-co.gov\).](#)

(c) All requests must state with as much specificity as possible, as to the record(s) sought. If a citizen is uncertain about which records contain the information desired, a reasonably specific description of the type of information being sought shall be required in writing on the Open Records Request Form and every attempt will be made to locate the relevant records. Vague, broadly stated, or voluminous requests may be returned to the requestor and staff may require additional clarification in order to obtain appropriate limiting criteria which can be used to narrow the search parameters.

e. Response to Requests for Records.

1) Elbert County will respond to requests made pursuant to the Colorado Open Records laws within three working days of the date of receipt of the records request. The Custodian of Records shall set a date and time when the records will be available for inspection.

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2) The period of providing requested records for inspection may be extended up to ten days if the County determines that one of the following conditions exists and states such condition in writing to the requestor within the first three working 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-day period; or

b) A broadly stated request is made that encompasses all or substantially all of a large category of records and the agency is unable to prepare or gather the records within the three-day period because:

(1) 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

(2) A request involves such a large volume of records that the custodian cannot reasonably prepare or gather records within the three-day period without substantially interfering with the custodian's obligation to perform his or her other public service responsibilities.

(3) If the public records requested are not in the custody or control of the Custodian of Records or the County but has knowledge that another entity subject to Colorado Open Records Law is in possession, the party responding to the request to the Custodian of Record for that entity, and shall notify the requestor of this fact in writing.

(4) An attorney should review all open records requests. The County Attorney is available to Department Heads and Elected Officials for review of each department's records requests. The County Attorney shall also review all open records requests for the BOCC unless otherwise reviewed by an attorney.

f. Format and Media for Delivery of Records.

1) If the public record requested is stored in "sortable" or "searchable" formats, the County will provide the record in this format if requested. However, the County may refuse any request requiring data manipulation on the basis that CORA does not require manipulation.

2) Responses to requests will be made via email of attached documents if possible in order to reduce expenditure of County resources and reduce costs to citizens.

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3) If records requested exceed 5MB of data, citizens will be provided the information requested on a USB Thumb Drive (USB) or alternative method provided by the county at the cost indicated below. In order to preserve the security of the County data network, under no circumstances shall a memory device or other media not authorized by the County Information Technology Department be used to transfer data to a citizen.

4) If requested, paper copies of records will be provided and fees will be charged in accordance with the paragraph below.

g. Applicable Fees.

1) Costs for standard photocopies will not exceed the limit set by CORA (currently \$1.25 per page) unless actual costs exceed that amount. Current amounts are as follows:

- (a) Copies (legal or letter) .25 per page
- (b) Color Copies 1.00 per page
- (c) Copies of Meeting Audio (USB) 5.00 per USB
- (d) Copies of Meeting Minutes 1.00 per page
- (e) USB drive or other media distribution method (\$5.00 for USB drive, or the cost of alternative distribution method)
- (f) Staff search and/or administrative fee associated with fulfilling a request (\$30.00/hr. after one hour's time has been surpassed)
- (g) Specialized equipment, technology, or other resource needed to fulfill a request (\$ the cost associated with procuring the equipment, technology, or other resource) should such accommodation be reasonable/not imposing undue burden to the County.

2) Elbert County seeks to meet public information requests in the most economical fashion possible. When applicable, an estimated cost of the requested information may be provided when requesting a substantial number of copies or research time by the Custodian is required. In the event research or retrieval of records is required, the fee for researching and retrieving requested information shall be \$30.00 per hour for employee time utilized (but there will be no charge for the first hour of time expended in connection for the research and retrieval of public records by a County employee), or the cost associated with any labor and fees required for an outside entity to complete such a request. The requestor may be required to pay all or a portion of the estimated cost before compilation of the information is performed.

h. Web Accessible Information. A great deal of information concerning Elbert County is available on the County web site, www.elbertcounty-co.gov. This information may help formulate an open records request or may provide the information being sought.

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i. Periodic Review of Public Record Requests. On a quarterly basis, the Custodian of Records will review all requests made for records in order to identify such records which may be appropriate for regular publication on the county website in an effort to preemptively provide requested records. This will ensure that records of high interest to our citizens are easily available and reduce the workload associated with responding to individual requests for records.

j. Custodian of Records Contact Information.

- 1) Telephone: 303-621-3126
- 2) Physical Address: 215 Comanche Street, Kiowa, Colorado
- 3) Mailing Address: PO Box 07, Kiowa, Colorado 80117
- 4) Email Address: openrecords@elbertcounty-co.gov

6. References.

- a.) Colorado Revised Statutes 24-72-201 et Seq, *Colorado Open Records Act*
- b.) Colorado Revised Statutes 24-72-301 et seq, *Criminal Justice Records*
- c.) Policy B-00, *Policy on Transparency in Local Government.*
- d.) *Policy B-03, County Document Archives Policy*

7. Adopted: February 28, 2018. This policy supersedes all prior policies on these matters in their entirety.

8. Reservation of Authority: The Board of County Commissioners reserves the right to alter, amend, add to, and/or revoke all or part of this policy at any time.

ADOPTED BY MOTION ON THE ____ DAY OF _____, 2018.

DANNY WILLCOX, CHAIRMAN AYE

CHRIS RICHARDSON, VICE CHAIRMAN AYE

GRANT THAYER, COMMISSIONER AYE

ATTEST: DALLAS SCHROEDER

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COUNTY CLERK

BY: _____
CLERK TO THE BOARD

DRAFT