



## **Colorado Open Records Act (CORA) Requests**

**Subject:** Colorado Open Records Requests Policy and Procedure

**References (Statutes/Resos/Policies):** 24-72-201

**Purpose:** To provide public records.

- I. **Policy:** It is the policy of LAHCDHD to protect individual privacy, and to minimize the collection and dissemination of personally identifiable information, regardless of the source or medium. It is also the policy of LAHCDHD to make public records available for public inspection pursuant to the requirements of CORA.

This policy applies to all Divisions and Offices of LAHCDHD.

### **II. Procedure(s)**

- A. Requests for public records made pursuant to CORA must be submitted in writing by hand-delivery, U.S. mail, facsimile transmission, or electronically via electronic mail transmission ("email") and must be specific as to the records sought. If a request for records is received that is not specific as to the records sought, LAHCDHD will ask the requesting party for a written clarification of the request.
- B. Once LAHCDHD has received a records request in writing if applicable, LAHCDHD will respond to such request within three (3) working days whenever possible. If there are "extenuating circumstances", as set for the CORA, LAHCDHD may delay the delivery of the requested documents for an additional seven (7) working days. If the request is voluminous and would create an unnecessary interference with the regular discharge of the duties of LAHCDHD's staff in order to comply with such request, LAHCDHD may delay the delivery of the requested documents for an additional period of time, as reasonably determined by LAHCDHD. LAHCDHD shall notify the requester in writing of any delay in the delivery of the documents beyond the typical three (3) working days.
- C. Requests received after 2:00 P.M. on a day in which LAHCDHD is open for business shall be considered to be received on the next business day.

### **III. Fees**

- A. Copies

a. The fee for a paper copy of any public county record, including copies requested pursuant to the Colorado Open Records laws shall be as follows:

|                         |                                                                       |
|-------------------------|-----------------------------------------------------------------------|
| 8.5" by 11"             | First five pages free<br>25¢ for each page after the first five pages |
| 11" by 17"              | 25¢ for each page                                                     |
| Greater than 11" by 17" | Fee not to exceed the actual cost of reproduction                     |

B. The charge for an electronic copy of any LAHCDHD record, including copies requested pursuant to CORA, shall be as follows:

|                                                                           |                                                                            |
|---------------------------------------------------------------------------|----------------------------------------------------------------------------|
| If the record exists in electronic format and is smaller than 1 Megabyte: | Via email at no charge + Data Compilation time.                            |
| If the record exists in electronic format and is larger than 1 Megabyte:  | \$8.00 for a jump drive (if required) + Data Compilation time.             |
| If the record had to be scanned:                                          | \$8.00 for a jump drive (if required) + Data Compilation time.             |
| If the record had to be printed and then scanned:                         | \$8.00 for a jump drive (if required) + Data Compilation time + paper copy |

C. Except as provided in Section VII, or as otherwise may be required by CORA, all electronic copies of documents shall be in .PDF format and transmitted via email or jump drive and may be sent by encrypted email based on the nature of the data.

D. Copy charges for vital records or other documents, as set by Colorado statute, shall be charged at the statutory rate, and responded to through the statutory procedure, if applicable, notwithstanding the fees set forth herein.

E. The Custodian of Records has the obligation to produce a record in a format accessible to individuals with disabilities in accordance with the Americans with Disabilities Act of 1990 and CORA.

**V. Data Compilation Fees**

A. If a request will take more than one (1) hour to fulfill, the fee for compiling requested information, including information requested pursuant to CORA, shall be as follows:

|                                          |                                                                                          |               |
|------------------------------------------|------------------------------------------------------------------------------------------|---------------|
| Routine LAHCDHD<br>Data Compilation Time | One hour or less<br>per request; no<br>more than one<br>request per month<br>per subject | \$0           |
|                                          | More than one hour                                                                       | \$30 per hour |

B. LAHCDHD will charge the actual cost for any Data Compilation Time that is not routine in nature or requires LAHCDHD Staff with specialized skills (such as management personnel or computer specialists).

C. Pre-Payment of Charges and Fees. The requesting party shall be provided a cost estimate for copy charges and data compilation fees if estimated to exceed the amount of \$10.00. Pursuant to C.R.S. §24-72-205(1)(b) of CORA, the payment of copy charges and data compilation fees must be made by the requester prior to the transmittal of the requested documents, unless other arrangements have been made for the payment of said fees, as determined by LAHCDHD in its sole and exclusive discretion. LAHCDHD will delay the assembly of any requested documents from a requester who has failed to pay the fees and charges from a previous request, until such time as the previous fees and charges have been paid in full.

D. Additional Fees and Charges. LAHCDHD may seek reimbursement for any additional fees or expenses incurred by LAHCDHD, not to exceed LAHCDHD actual cost, including, but not limited to, postage or express mailing charges, in order to comply with any request for LAHCDHD records, including a request made pursuant to CORA.

## VI. Digital Records

A. Except as otherwise required by subsection (B) of this section:

(1) If a public record is stored in a digital format that is neither searchable nor sortable, LAHCDHD shall provide a copy of the public record in a digital format.

(2) If a public record is stored in a digital format that is searchable but not sortable, LAHCDHD shall provide a copy of the public record in a searchable format.

(3) If a public record is stored in a digital format that is sortable, LAHCDHD shall provide a copy of the public record in a sortable format.

B. LAHCDHD is not required to produce a public record in searchable or sortable format in accordance with subsection (A) of this section if:

(1) Producing the record in the requested format would violate the terms of any copyright or licensing agreement between LAHCDHD and a third party or result in the release of a third party's proprietary information; or

(2) After making reasonable inquiries, it is not technologically or practically feasible to permanently remove information that LAHCDHD is required or allowed to withhold within the requested format, it is not technologically or practically feasible to provide a copy of the record in a searchable or sortable format, or if LAHCDHD would be required to purchase software or create additional programming or functionality in its existing software to remove the information.

(3) If Custodian of Records is not able to comply with a request to produce a public record that is subject to disclosure in a requested format specified in subsection (A) of this section, LAHCDHD shall produce the record in an alternate format or issue a denial pursuant to the provisions of CORA.

C. Altering an existing public record, or excising fields of information pursuant to this subsection B.(3)(1) to remove information that the Custodian of Records is either required or permitted to withhold, does not constitute the creation of a new public record.

## **VII. Independent Research**

Due to the sensitive nature of the documents kept by LAHCDHD, independent research by a requesting party may be limited by the Custodian of Records. When independent research is appropriate, such research shall be subject to the following:

- A. The record sets to be researched do not include privileged documents or documents not otherwise subject to public disclosure;
- B. The research is supervised to avoid loss or damage to records. Staff time spent on supervision shall apply as listed in the Data Compilation Fees section of this Policy;
- C. The research does not unduly disrupt the day-to-day activities of LAHCDHD;
- D. The records/documents being researched are returned to the files in the same order as when they were removed.

## **VII. Data Manipulation**

- A. LAHCDHD may refuse any request requiring data manipulation on the basis that CORA does not require manipulation.
- B. LAHCDHD may charge the hourly Data Compilation Fee for reports, maps, or products that are produced through the manipulation of data for the benefit of the requester.

## **IX. Restricted Records**

Certain information in LAHCDHD 's files are not subject to disclosure under any circumstances, and others require various releases, and may only be released to certain parties (e.g. medical records and investigatory files). LAHCDHD will inform any requester if the requested items are not subject to disclosure, or if any particular release is necessary.

## **X. Redacted Documents**

In order to protect private health information, or other information not subject to disclosure under CORA, LAHCDHD will not release documents that contain non-disclosable information, even in a redacted format.

## **XI. Definitions**

Custodian of Records is the Director of LAHCDHD, or their designee.

"Public records" means "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.

"Writings" 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).