

	<h2>TRI-LAKES MONUMENT FPD STANDARD OPERATING GUIDELINE</h2>	Effective Date: 1/14/2022 Replaces: Policy 901
Open Records		Section AD100.20
Approved By: <i>Andy Kovacs</i> Andy Kovacs, Fire Chief	Comprehensive Understanding: All Staff	

Section 1 Purpose and Scope

The purpose of this policy is to:

- Set forth a policy for providing the public with timely, orderly, efficient, and appropriate access to Public Records maintained by the district in compliance with the standards and requirements of the Colorado Open Records Act, C.R.S. Section 24-72-201 et seq. (“CORA”)
- Establish general procedures and methods for imposing and collecting reasonable and standardized fees for producing copies of and information from District-maintained records in response to a CORA request.
- The scope of this SOG is limited to providing Public Records under CORA. Inspection and release of records with protected health information are covered in the Patient Medical Record Security and Privacy Policy.
- This SOG repeals and replaces any previous District CORA or records release policies or SOGs.

Section 2 Background

Tri-Lakes Monument Fire Protection District is committed to providing public access to Public Records consistent with the requirements of CORA. All Public Records are open to inspection by any person at reasonable times unless excepted by law. Pursuant to CORA, the custodian of public records may formulate rules and regulations with reference to the inspection of these records, which:

- Protect the integrity of the records, and
- Limit operational disruption caused by access to the records.

Section 3 Definitions

Unless specifically defined herein, all capitalized terms used herein shall have the meaning ascribed in CORA.

“Custodian of Records” shall mean the Fire Chief who shall designate the Director of Administration as the person to accept and fulfill requests in accordance with this SOG. In the absence of the Director of Administration, the Fire Chief may designate another staff member to act in the role of the Director of Administration under this SOG.

“Date of Receipt” is the date the Director of Administration receives the Public Records Request Form. A fax is received when it is printed during regular business hours. Any Public Records Request Form sent via e-mail or physically delivered after normal business hours shall be received as of 8:00 a.m. on the following business day.

Section 4 Procedure

The process for requesting and fulfilling requests for inspection or copies of Public Records is as follows:

Public Record Request Form. The district requires Public Record requests to be in writing and submitted to the Director of Administration on a District-supplied Public Records Request Form, available on the district website.

Specificity Required. All requests for records must be specific as to the records sought and the relevant dates covered by the request. Requests for correspondence should identify the parties to the correspondence whenever possible as that facilitates the fulfillment of the request. For any request that is vague or broadly stated, the Director of Administration may require the requestor to provide more specific information before responding. If a requestor is unable to identify the specific record(s) sought and the relevant dates, the requestor is encouraged to contact the Director of Administration in advance of submitting a request for assistance in providing the requisite specificity.

Only Records. The district is not required to create records which do not exist.

Identifying Information. Release of records for inspection only shall not be conditioned upon the furnishing of information by the requestor, such as name, address, phone number, or reason for the request. Delivery of records either in hard copy or electronically may require such identifying information to fulfill the request.

Initial Determination. The Director of Administration shall determine whether the requested record(s) is a Public Record under CORA, is readily available, and/or will require additional time for research and retrieval, and/or is subject to any exemptions from disclosure under CORA.

If it is determined that the records requested are not in the custody of the Department, the requester shall be so notified within three days of Date of Receipt of the request, including a detailed reason for the absence of the record from the district, and, if known, be provided the

name of the person who has custody or control of the record and location of the record. The response shall be made in writing if requested by the requester (CRS § 24-72-203(2)).

Response Time. The Director of Administration shall set a date and hour when the records will be available for inspection or production and copying. Records shall be made available within a reasonable time, but no later than three working days, unless the Director of Administration finds extenuating circumstances, as defined in CORA, which extends the response period by up to an additional seven working days. C.R.S § 24-72-203(3)(b). The finding of extenuating circumstances forming the basis for the extension of time shall be documented and provided to the requester in writing by the Director of Administration within the three days from Receipt of Request.

Transmission of Records. Upon request, the district must transmit a copy of the record by mail, delivery service, fax, or e-mail. A requester may request and be provided a copy, printout, or photograph of the Public Record as provided in CRS § 24-72-205 and upon payment of the appropriate fee (see (k) below). Under no circumstances will any original hard copies leave the custody or control of the district.

Period Records Remain Open for Inspection. Upon notice to the requester that public records are available for inspection, the records shall be made available for inspection or delivery for thirty (30) days from the Date of Receipt of the notice. If the requester does not inspect the records within that period, the CORA request will be deemed closed.

Digital Records. Records stored in digital format must be provided to the requester subject to the following (CRS § 24-72-203(3.5)):

- If the record is stored in a digital format that is not searchable or sortable, the requester must be provided with a copy of the record in a digital format.
- Records stored in a format that is either searchable or sortable must be provided to the requester in the same format in which the record is stored.
- The release of digital records in a searchable or sortable format is not required:
 - If the release would violate copyright or licensing agreements between the district and a third party, or if the release would result in the release of proprietary information belonging to a third party.
 - If, after making reasonable inquiries, it is not technologically or reasonably feasible to permanently remove information contained within the format that is required or allowed to be withheld.
- When it is not technologically or reasonably feasible to provide a copy of the record in a searchable or sortable format.
- The district would be required to purchase software or create additional programming or functionality in its existing software to remove the information.

If the Director of Administration cannot produce a record in the requested format, the Director of Administration must produce the record in an alternate format or issue a denial under CRS § 24-72-204.

Denial of Disclosure. If a record request is denied, the requestor may request a written statement of the grounds for the denial. The Director of Administration shall promptly provide a statement that includes the grounds for denial and cite the law or regulation supporting the denial (CRS § 24-72-204(4)).

Fees

If the request is determined to be within the guidelines of CORA, the district shall generate a cost estimate to complete the request.

The district's fees for responding to CORA requests are posted on the District website in the District fee/rate schedule.

- If the cost estimate is in excess of \$20, the total estimated amount shall be collected by the Director of Administration in advance of proceeding with responding to the request. The requestor shall be advised that any paid estimate is only a deposit and that necessary adjustments to such amount must be made at the time the request is ready for inspection or before any pickup or delivery. If the requestor wishes to proceed once receiving an estimate, they must acknowledge their agreement to pay the costs and deposit in writing. By responding in writing, the requestor agrees to pay all fees associated with responding to the request.

The district shall provide or make available for inspection the requested public records upon receiving payment of the estimated cost as soon as practicable but no more than three (3) working days after receipt of such payment.

The Director of Administration shall complete the request, accounting for all costs incurred in processing the request, and contact the requestor to inform them of any adjustments to the original paid estimated deposit. If paid in advance, the requestor shall pay or be refunded any adjustment based on the actual costs incurred.

Section 6 Legal Cites/References
Colorado Open Records Act (CORA), C.R.S. Section 24-72-202

Section 7 Attachments
Public Records Request Form