



PUBLIC RECORDS ACCESS POLICY

1. POLICY

It shall be the policy of the City and County of Broomfield to make public records available for public inspection at reasonable times and in accordance with the provisions of state law, as reflected in §24-72-201, C.R.S, *et seq.* ("the Act").

"Public records" means records that exist on paper or on other recorded media and includes records in the form of electronic mail communication (e-mail).

2. PURPOSE

2.1. The purposes of this policy are to:

- Set forth a general procedure for providing City and County-wide, consistent, prompt and equitable services to members of the public requesting access to public records in accordance with the requirements of the Act;
- Foster open and accessible government;
- Allow members of the public to have access to information regarding the manner in which taxes and other City and County resources are allocated;
- Facilitate appropriate access to public records while also recognizing the need to avoid unwarranted interference with the discharge of critical City and County business and ensuring that the process of responding to requests for records does not inordinately interfere with the completion of previously scheduled or critical City and County work;
- Establish reasonable charges for copying records (as authorized by the Act) and allow recovery of the value of a portion of staff time required to respond to complex records requests; and
- Establish reasonable charges for research and retrieval of records and allow recovery of the value of a portion of staff time required to respond to complex records requests.

2.2. This policy is intended to be consistent with, and implement provisions of, the Act. In that regard, it recognizes the existence of documents to which the City and County *shall allow* public access, documents to which the City and County *shall deny* access, and documents to which the City and County *may deny* access. See §24-72-204, C.R.S.

3. SCOPE

This policy shall apply to all City and County records and, more generally, to all records requested pursuant to the Act, with the exception of records covered under the Criminal Justice Records Act, documents recorded with the Clerk and Recorder's Office, and records requested for civil or criminal court processions.

4. DEFINITIONS

The definitions found in §24-72-202, C.R.S., (NOTE: see attached) as amended from time to time, shall apply when interpreting this policy, unless the context clearly requires a different interpretation.

5. PROCEDURES

5.1. It is the responsibility of each department head to become familiar with, and to educate affected employees about, the standards and requirements of this policy.

5.2. Official custodians for the City and County are as follows:

- The City Clerk is the official custodian of all records, which are centrally maintained by the City and County;
- Department heads are the official custodians of all records maintained within their departments; and
- The Director of Information Technology is the official custodian of telecommunication records.

5.3. Members of the public may make informal requests to the official custodian for copies of public records. The custodian will make reasonable efforts to fill such requests immediately.

5.4. If a request is made for voluminous documents, extensive information, or if it requires significant research or redaction of records, it shall be made in writing to the official custodian maintaining the records being requested. Such a formal written request should describe the requested information with as much specificity as possible in order to allow a custodian to locate the requested records.

5.5. If an applicant is uncertain about the identity of the official custodian of requested records, the request shall be made in writing to the Office of the City and County Attorney.

5.6. The City and County Attorney's Office shall be notified immediately of all written records requests and may assist in processing such requests. The City and County Attorney's Office may advise staff about the need to review records with regard to confidentiality, official privilege, and related matters prior to their release.

5.7. If immediate production of requested records is not feasible, the custodian will set a date and time for inspection of the records within three working days of the date on which the request was made. This time period may be extended by seven additional working days in the event of extenuating circumstances as described in §24-72-203(3)(b), C.R.S. Production of records within these time limits shall be excused if such production is a physical impossibility or when

such production would significantly and adversely impact critically important or previously scheduled City and County work.

- 5.8. The City and County is not obligated to provide records in electronic form. However, the City and County will endeavor to provide information in that form which is most convenient and practical for the requestor.
- 5.9. When a request for electronic records is received, it shall be the responsibility of the department in possession of such records to determine whether or not the records should be released in view of the deliberative process and work product exemptions that are set forth and defined in the Act.
- 5.10. Record requests from the news media shall be directed to the City and County Manager's Office. Staff will make reasonable efforts to comply promptly with such requests. If staff is unable to do so, media representatives will be directed to submit a written request to the City and County Attorney's Office. Thereafter, the request will be governed by the provision of this policy and the Act.

6. CHARGES

- 6.1. Because the charges for copies of documents recorded through the Clerk and Recorder's Office are governed by §30-1-103, C.R.S and are consistent throughout the state, those charges will not be affected by this policy.
- 6.2. The City and County may charge reasonable fees for research, retrieval, and necessary redaction in connection with producing public records and such fees shall not be charged for the first hour of time expended, but may charge at the rate of thirty (30) dollars per hour for each additional hour.
- 6.3. Charges for reproduction of records will be standard throughout the City and County for similar items.
- 6.4. The cost for a standard size photocopy shall be \$0.10 per page for black and white and \$0.60 per page for color.
- 6.5. Departments may charge for time spent responding to large requests, including without limitation, requests that require the searching of voluminous files for specific information, manipulating data, or redacting documents to excise confidential information. The charge for these kinds of services shall be \$30.00 per hour for each hour after the first hour. A charge of \$30.00 per hour for each hour after the first hour may also apply where manipulation of data is required in order to generate records in a form not ordinarily used by the City and County (including redaction of documents to excise privileged material) or when production requires use of computer technology other than word processing.

When staff time in excess of one hour is required to respond to a records request, a time-log should be maintained describing the time spent in responding to the request.
- 6.6. All persons making a subsequent request for the same record or records shall be charged the same fee as was the initial requestor.
- 6.7. For large requests, a deposit of the estimated cost of work should be collected before work begins. If actual charges are less than the deposit, the balance will be refunded.

- 6.8. If the request can be filled in less than an hour, no research and retrieval fees shall apply.
- 6.9. If requested records are retrievable through the document management system and may be distributed via email, the fee should be waived.
- 6.10. The City and County, at its discretion, may respond to requests for access to public records stored electronically and in computer databases by providing, upon written request, a copy, disk, or printout, but shall not allow access to a computer terminal connected to internal City and County computer systems that is not ordinarily available for general public use. The exception to this restriction is public information provided by the City and County on the Internet. The fee charged for providing records in electronic form will be based on recovery of the actual incremental costs associated with building and maintaining the relevant database, as determined by the Information Technology Department.
- 6.11. The City and County Manager's Office should be notified on all requests relating to media stories. The City and County Manager's Office will determine if the media will be charged on a case-by-case basis.
- 6.12. Questions about producing records at the request of representatives of the news media should be referred to the City and County Manager's Office for evaluation.
- 6.13. Department heads have the authority to waive charges for good cause.

7. DENIAL OF ACCESS

The Act provides that not all records in the possession of a government agency are available for inspection and copying. In addition, many Health and Human Services records are required to be kept confidential as a matter of law. It is the intent of the City and County to comply with the Act in determining whether access to records is allowed.

8. CONSTRUCTION AND INTERPRETATION

Employees who have questions concerning the interpretation or application of this policy should be directed to the City and County Attorney's Office.

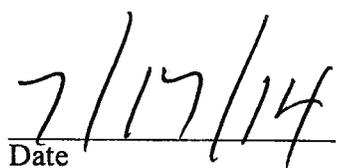
9. EXCEPTIONS/CHANGE

This policy supersedes all previous policies covering the same or similar topics. Exceptions to this policy may be granted only by the City and County Manager. This policy will be reviewed by City and County of Broomfield department heads annually. However, it may be reviewed and changed at any time.

CITY AND COUNTY MANAGER APPROVAL



City and County Manager



Date