COLORADO OPEN RECORDS ACT POLICY

1.0 PURPOSE

Colorado Springs Utilities ("Utilities") is required by law to comply with the Colorado Open Records Act ("CORA"), § 24-72-201, *et seq.*, C.R.S.

The purpose of this policy is to set forth responsibilities and internal procedures for responding to requests for inspection and copies of Public Records pursuant to CORA with due regard for those records containing information that is required to be kept confidential by law and to ensure that responding to CORA requests does not unnecessarily interfere with the operations of Utilities. This policy also establishes reasonable fees and charges associated with the production of Public Records by Utilities.

2.0 SCOPE

This policy applies to all requests for Utilities' Public Records.

3.0 TERMS AND ABBREVIATIONS

Terms used in this policy document that are included in CORA shall have the same meaning as those terms are defined in CORA. Definitions below include some definitions from CORA and others that are unique to this policy.

CORA – Colorado Open Records Act, § 24-72-201, *et seq.*, C.R.S.

C.R.S. – Colorado Revised Statutes.

Extenuating Circumstances – CORA provides that extenuating circumstances may exist when (1) a broad request that lacks specificity is made that encompasses a large category of Public Records; (2) a broad request is made that encompasses all or substantially all of a large category of Public Records and the custodian is unable to gather them within a three-day period; (3) a request involves a large volume of Public Records that cannot reasonably be gathered within a three-day period. In no event can extenuating circumstances apply to a request that relates to a single, specifically identified document.

Public Records – All writings made, maintained, or kept by the state, any agency, institution, a nonprofit corporation incorporated pursuant to section 23-5-121(2), C.R.S., or political subdivision of the state, or that are described in section 29-1-902, C.R.S., and held by any local-government-financed entity for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds, unless otherwise provided by CORA.

Writings – All books, papers, maps, photographs, cards, tapes, recordings or other documentary materials, regardless of physical form or characteristics. The term includes digitally stored data, including without limitation electronic mail messages, but does not include computer software.

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4.0 POLICY

4.1. General Requirements Regarding Public Records

Utilities, as an enterprise of the City of Colorado Springs, is a public entity and is required to comply with CORA.

4.2. CORA Requirements

All Public Records are to be open for inspection to any person at reasonable times, unless otherwise provided by CORA.

4.3. Submission of CORA Requests

- All requests for Public Records must be submitted in writing.
- Utilities' preferred method of receiving and processing CORA requests is Utilities' online portal system, GovQA; however, requests may be received through any written means, including, but not limited to, regular mail, delivery service, electronic mail, or facsimile.
- Access to Utilities' GovQA system and a link for requesters to register and set up an account is available on the CSU.org CORA website.
- In the event Utilities determines a request for Public Records is non-specific or overly broad, the requester shall be contacted to seek clarification of the request or to narrow the scope of the request, as further described in Section 4.4, below.
- If requested Public Records are only kept in hard-copy and requester asks to inspect the requested Public Records in person, Utilities shall work with the requester to set a date, time and place for the inspection of the Records and shall arrange for a Utilities' employee to be present throughout the entire inspection period to assure that the integrity of the Records is maintained.
- CORA requests are a means to receive existing Public Records. CORA does not require Utilities to conduct research or answer questions. Please contact the appropriate Utilities department to determine if they will conduct research and/or answer questions.
- Requests for Public Records are time-stamped at the time of receipt by Utilities, and responsive Public Records shall be those records in existence at the time of receipt. Requests for "future" records or requests for ongoing or supplemental records will not be accepted. A request that asks for future or supplemental records will be treated as a request for all Public Records in existence as of the time-stamp on the request.

4.4. Non-Specific Requests

- To assist requestors of Public Records and to ensure the efficient use of Utilities' personnel and legal resources associated with responding to non-specific CORA requests, requestors of Public Records shall be required to state with specificity which Public Records are being requested. The requisite level of specificity should include identifying a specific or particular record or category of records. If correspondence is requested, sender and/or recipient information should be provided, along with the subject matter, if known, to assist in providing the requested Public Records.

- In the event Utilities is unable to identify potentially responsive Public Records based on a non-specific request, Utilities may request clarification or additional information from the requestor to aid in identification of potentially responsive Public Records and the timeframe for responding to the Public Records request will be stayed until the requested clarification or additional information is received by Utilities. Where the requestor does not wish to provide clarification or sufficient specificity to allow identification and preparation of the potentially responsive Public Records within three working days, additional time may be required to fulfill the request.

- Requests which are broad, vague, or too voluminous may cause a delay in the time it takes to produce the records and could result in higher fees for staff time to gather and review a larger number of potentially responsive Public Records.

4.5. Timeframe for Responding to Public Records Requests

- Utilities must respond to a request for Public Records within three working days or less. Where a deposit of fees is required in advance (see below), the three-working day response period will not begin until payment of or a deposit is made for any applicable fees or charges, in accordance with Section 4.6. Where no deposit is required, the three-working day response time begins the first working day following receipt of the request. A request received after 3:00 p.m., or on any Utilities holiday will be considered received as of 8:00 a.m., the next business day.

- The three-working day response period may be extended if Extenuating Circumstances exist; however, such period of extension shall not exceed seven additional business days. A finding that Extenuating Circumstances exist shall be made in writing by Utilities, as applicable, to the requestor within the initial response period.

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4.6. Fees and Charges Associated with Public Records Requests

- There is no charge for the first 25 pages produced and the first two hours of staff time consumed when locating and producing records. When the number of pages produced exceeds 25 pages, Utilities will charge for all additional records copied. When locating and producing records consumes more than two hours of staff time, Utilities will charge for all staff time over the initial two hours associated with locating and producing records for the requestor.
- The preferred payment method is via the Pay Pal link found in the Invoice sent. For other payment options please contact us via reply email to a request. An estimate will be provided and up to a 50% deposit may be required prior to review and preparation of records.
- Utilities may require and collect up to a 100% deposit from any person who has made a previous Public Records request and not paid all fees in full.
- A refund will be given if the actual cost is less than the deposit. Where a deposit is required, the response period will be stayed until the deposit is received by Utilities.
- Fees must be paid in full prior to the release of any records unless alternative arrangements have been made.
- The fee schedule for Public Records Requests shall be as follows:

Item	Fee
Photocopies or Printouts per C.R.S §24-72-205(5)	• $.25 per 8 ½" x 11" standard size or actual cost for documents larger than standard size • Oversized Maps - actual cost • Photographs - actual cost
Research and Retrieval/Compilation and Preparation of Requested Documents	• $30 per hour in 15-minute increments
Data Manipulation per C.R.S. §24-72-205(3)	• Actual cost
Off-site Records Retrieval	• 50% of actual cost to retrieve the records from off-site storage facility
Audiotape, Videotape or Other Magnetic Tape	• Actual cost to reproduce
On-site Document Inspection	• $30 per hour for staff time
Postage	• Actual cost