

Open Records Requests

POLICY REGARDING ACCESS TO PUBLIC RECORDS



Effective Date: July 1, 2014

Administrative Authority: Adopted by City Council on July 16, 2014

Scope: All departments within the City of Durango

Purpose: The purpose of this policy is to assure prompt and equitable service to citizens requesting access to public records, regardless of the format of those records, in accordance with the requirements of C.R.S. 24-72-201 *et seq.* This policy does not apply to criminal justice records, as defined in C.R.S. 24-72-302.

Background: C.R.S. 24-72-202(6) defines public record as “all writings made, maintained, or kept... 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.” The definition of public records also includes the correspondence of elected officials, except to the extent that such correspondence is: 1) a work product, 2) without a demonstrable connection to the exercise of functions required by law or administrative rule, 3) a communication from a constituent to an elected official that clearly implies by its content that the constituent expects that it is confidential in nature or subject to nondisclosure, or 4) pursuant to procedures in C.R.S. 24-72-204(1) the material requested is not to be disclosed. Additionally, C.R.S. 24-72-202(7) defines writings 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 do not include computer software.”

C.R.S. 24-72-203(1)(a) allows the official custodian of public records (City Clerk) to make reasonable rules and regulations with reference to the copying and inspection of public records as necessary to protect the records and prevent unnecessary interference with the regular duties of the custodian.

Policy: It shall be the policy of the City of Durango to make all records available for public inspection unless such records are protected from disclosure by state or federal law, by court order, or unless disclosure of such records would be contrary to the public interest.

All requests made under the Open Records Act shall be made in writing to the City Clerk, who is the Records Custodian. In the case of a request made in person, the custodian shall either provide the records to the requestor or shall set a date, time, and on-site location where the records can be inspected. The date shall be within three (3) working days of the date the request was made. In the case of a request received by U.S. Postal mail, e-mail, or fax, the custodian shall respond within three (3) working days of receipt of the request. Such period may be extended if extenuating circumstances exist (per C.R.S. 24-72-203(3)(b)), but the extension period shall not exceed seven (7) additional working days. If a deposit is required, the request is not considered received until the deposit is paid.

Open Records requests are required to be in writing and made on the form provided by the City Clerk.

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If a record contains both public and confidential material, the City of Durango is not required to redact confidential material in order to comply with a request for the record. However, the City Clerk may agree to provide redacted records if the requestor pays the redaction fee as shown on the schedule below.

Electronic records and electronic communications: Records stored on magnetic or optical disk, on tapes, or other non-paper media are considered public records and open to disclosure. After receiving a written request for records stored in any of the aforementioned media, the custodian may, but need not, take any measures necessary, in the custodian's opinion, to assist the public in copying or inspecting any specific public record(s); including but not limited to: providing portable disk copies or computer files, referring the requestor to the City's web site, providing hard copy printouts, or providing the requested records in any other format deemed appropriate by the custodian.

Please note that requests for open records received by email may be a public record under the public records law and may be subject to public inspection under C.R.S. 24-72-203 and the policy of the City of Durango.

Fees and charges: The custodian will charge for any copies, printouts, photographs, or electronic data requested. Requests expected to have a total charge of \$10.00 or more must be accompanied by a non-refundable deposit of one-half the estimated amount. This deposit will be credited toward the total fee, and the total fee shall be paid prior to release of the requested records. In the event the deposit amount exceeds the actual costs, the balance shall be refunded within 30 days.

No fee shall be charged for the first ten standard sized pages, per calendar year. (Standard sized page will be considered 8 ½ x 11). Each standard page after that will be charged at 25 cents per page. In addition, the requestor must pay any research and retrieval fee associated with producing the record in accordance with the schedule below. The custodian will also charge a fee for any manipulation of data needed to generate a record in a form or format not used by the City of Durango. This fee shall not exceed the actual cost of manipulating said data and generating the record. Persons making a subsequent request for the same record shall be charged the same fee.

Additionally, the custodian will charge a fee for providing copies of electronically stored public records. The City will respond to requests for access to public records stored electronically and in computer databases by providing, upon written request, a copy, disk, or printout. The records may be provided to the requestor by email if practical. The fee will be based on recovery of the actual incremental costs of providing the electronic services and products at a fee of 25 cents per page.

Data kept by the City of Durango, but generated by a third party, shall be charged at actual cost paid to the third party, subject to additional fees below if applicable.

Fees and charges for reproduction of records shall be standard throughout the City for similar items.

Photographing of public records will not be allowed.

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PUBLIC RECORDS STANDARD FEES AND CHARGES

Photocopies or printouts (no charge for first 10 standard size pages per requester per calendar year, if picked up or emailed)	.25 cents per letter- or legal-size copy; actual cost for larger documents
FAX documents	.25 cents per standard page
Document certification	\$5.00 per document (in addition to the per page copy charge)
Duplication of audio tapes, CDs, or DVDs (this includes transfer of audio files to CD)	\$25.00 per item
Publications produced by the City of Durango	Price varies; will be established based on production costs
City of Durango Municipal Code	\$100.00
Weekly/Monthly/New Business License Report	\$7.50
List of All City Business Licenses	\$25.00

Research, Retrieval and Data Manipulation Fees

Up to 1 hour	No charge
Over 1 hour	\$30.00 per hour

Denial of inspection: Access to records may be denied in accordance with the provisions of federal or state law. Reasons for denial of access to records will be noted in writing on the public records request form and provided to the requestor.

Records retention schedules: All public records, regardless of storage format, will be administered in accordance with the approved Colorado Municipal Records Retention Schedule (CMRRS). The City of Durango has adopted the CMRRS as approved and updated by the Colorado State Archives. This schedule is available online at

<https://www.colorado.gov/archives/municipal-records-retention-manual>

Signed under the authority of the City Clerk:

Amy F. Phillips, City Clerk

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RECORDS REQUEST

PLEASE PRINT

Name: _____

Date of Request: _____

Email: _____

Mailing Address: Street: _____

City: _____ State: _____ Zip: _____

Phone: Day _____

Phone: Evening _____

INSTRUCTIONS

Indicate the information you desire and/or list each requested document. Please be as specific as possible. Allow three (3) working days for a search of the records. Per the State of Colorado Open Records Act (C.R.S. 24-72-203), if the request is substantially large or is maintained off-site, an extension of seven (7) working days is permitted. The City will notify you within three (3) days of any extension and all estimated costs.

Please select the format in which you would like to receive materials:

View only; no copies requested. (Appropriate City personnel will be scheduled to accompany you during viewing. No personal scanning or photography of records is permitted.)

Hard copies/printouts

CD*

Email*

*not all documents are available electronically and not all documents may be emailed

Please select the method you prefer for notification and delivery when the records are available:

First Class mail

I will pick them up at City Hall. Contact me by (circle one): Mail Phone Email

Email (if records are available electronically). Specify an alternate delivery method if records are not available via email: _____

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I agree to pay any charges applicable to this request. (This request will be considered received when this form is complete and the deposit is paid, if required.)

Signature of Requestor

Date and Time of Request

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For Staff Use Only

Received by: _____ Date/Time: _____

Estimated Charges:

Hard Copy: _____ Copies @ 25 cents per page _____

CD or DVD: _____ Copies @ \$25 each _____

Oversize or Other: _____

Retrieval and Research: _____ hours X \$30 per hour = \$_____ total

Deposit Required: \$_____ (half of the estimated total, if that is over \$10.00)

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Request completed by: _____ Date: _____

Amount received: \$_____ Payment method: _____ Date: _____

Method of delivery: _____

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Request denied by: _____ Date: _____

Reason(s) for denial:

