

Policy & Procedure



Approved: *J. Schaufel* Executive Director

Subject: DRCOG OPEN RECORDS POLICY

Effective Date: July 2014

Executive Assistant/Board Coordinator
Questions: 303-480-6701

PURPOSE

- To establish general policies and procedures for providing access to public records maintained by the Denver Regional Council of Governments (DRCOG).
- To establish reasonable and standardized fees for record requests.

POLICY

- In accordance with the Colorado Open Records Act (Act), DRCOG shall make all public records open for inspection, except as otherwise specifically provided by law.
- The Act allows the custodian of public records (Executive Assistant/Board Coordinator) to formulate rules and regulations with reference to the inspection of public records which protect the integrity of the records and limit operations disruptions caused by access to the records. The Records Administrator, directly or with input of the Division Director(s), may adopt additional rules and regulations supplemental to this policy regarding handling of requests for public records maintained by the respective divisions of DRCOG.
- Public records shall be made available for public inspection at reasonable times and copying with three (3) working days of receipt of a request.
- If extenuating circumstances exist, this timeframe may be extended to seven (7) working days.
- The fact that DRCOG has limited space, personnel and time to process records requests mandates reasonable rules are observed.
- All requests for public records must be made in writing (see Public Records Request Form). If the request is determined not to be within the guidelines of the Open Records Act, a written statement will be issued to the requester explaining the legal basis for not making the requested records available.
- If the request is determined to be within the guidelines of the Open Records Act, a cost estimate to complete the request will be prepared by the Executive Assistant/Board Coordinator.

- If the cost estimate is in excess of \$100, the total estimated amount shall be collected in advance of proceeding with the request. The requester is to be advised that this is only a deposit and that any necessary adjustments to such amount will be made at the time the request is ready for pickup. If more than three days are needed to complete the request, the requester should be notified in writing at this time.
 - Upon receiving payment, the Executive Assistant/Board Coordinator will direct the appropriate division to proceed with the request specifying the timeframe for completion. Upon completion, an invoice will be prepared. The requester will be contacted and informed as to any adjustments to the original estimate. If paid in advance, the requester pays or is refunded any adjustment based on the actual costs incurred.
- Documents that include sensitive personnel, legal, financial, law enforcement or customer records; documents created as part of the deliberative process; certain copyrighted materials; and certain other types of public records addressed in the Act may not be subject to public disclosure. Some examples would include personnel files and attorney client communications.
 - Records are maintained in accordance with DRCOG's records retention schedule, which prescribes the time and/or form for which certain records are kept.

RECORDS CUSTODIANS

- The Executive Assistant/Board Coordinator shall serve as the official custodian (Records Administrator) of all records of DRCOG for purposes of response to open records requests, except for personnel records.
- The Records Administrator may coordinate with and/or forward to the Division Director(s) or to other personnel empowered with record-keeping responsibilities records requests for records maintained within the respective division(s) of DRCOG.
- The Human Resources Manager shall serve as the custodian of records for all personnel records.

RESEARCH/DATA GATHERING TIME

In calculating the fee associated with any request for public records, "research/data gathering time" shall mean all time expended by DRCOG staff in processing such request in excess of one hour.

RECORDS MAINTAINED IN ELECTRONIC FORMAT

Public records maintained in electronic format may be provided in either electronic or hard copy form as determined by DRCOG. If provided in electronic form, DRCOG will take measures to ensure public access to the records, which may include, for example, providing a viewing station or providing the records via computer disk, e-mail or website posting. DRCOG is not required to convert electronic records to other electronic formats, or to manipulate data to produce a record in a form not otherwise used by DRCOG. DRCOG may in its sole discretion accommodate requests that public records be made available in other formats or forms.

DRCOG OPEN RECORDS FEE SCHEDULE

Description	Fee
Meeting agendas	Free online @ www.drcog.org
Copies – includes standard sizes (8 ½ x11” to 11 x 17”) produced from printer or copier; all others fall into “oversized documents” category. <ul style="list-style-type: none"> • Black & white copies • Color copies • Faxed copies (10 page maximum excluding cover page) <ul style="list-style-type: none"> ○ Local ○ Long distance 	\$.25 per page \$1.00 per page \$.50 per page \$1.00 per page
Oversized documents <ul style="list-style-type: none"> • 24x36” copies – black & white • 24x36” copies – color 	\$5.00 each \$15.00 each
Fee for research/data gathering time	No fees incurred for first hour of staff time. Fee for time spent in excess of one hour is \$30.00 per hour.
Audio or Video CD or DVD	\$25.00

DENVER REGIONAL COUNCIL OF GOVERNMENTS

OPEN RECORDS REQUEST FORM

DATE: _____

Requestor's Name: _____

Business Name: _____

Phone Number: _____

Fax Number: _____

Mailing Address: _____

Email: _____

Document(s) Requested (please be as specific as possible):

Copies Requested: Yes _____ No _____

Costs: DRCOG's fee schedule for open records requests has been established pursuant to the Colorado Open Records Act. See the accompanying fee schedule for a summary of applicable charges. Fees must be paid at time records and/or copies are made available, and a deposit shall be required for requests with estimated completion cost of more than \$100.

Payment: DRCOG accepts payment in the form of:

- Cash
- Check made payable to the "Denver Regional Council of Governments"
- Credit Card

Signature for receipt of documents: _____

Date request received: _____

By law, DRCOG has three (3) working days to provide documents for in-office review or to supply copies of requested documents that are open for inspection. Every effort will be made to produce documents before that time. In extenuating circumstances, up to seven (7) working days may be necessary to respond to a request.