

Stratmoor Hills Fire Protection District Policy

Number: B-1

Replaces:

Date Issued: April 9, 2002

Date Effective: May 1, 2002

Revised: September 17, 2014

Subject: ACCESS TO PUBLIC RECORDS AND FEE SCHEDULE

Purpose: The purpose of this policy is to assure prompt and equitable service to citizens requesting access to public records, including those records created by electronic mail, in accordance with the requirements of the Colorado Public (Open) Records Act (hereinafter, "Act") sections 24-72-201 to 206 Vol. 7 C.R.S. (1997).

The Act at section 24-72-202 (6)(a)(1) defines public records as "all writings made, maintained, or kept by the state, any agency, institution 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 the use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds." "Public Records" does not include criminal justice records or work product prepared for elected officials. However, elected officials may release all of, or any part of work product prepared for them. Section 24-72-202 (6)(b), C.R.S.

Additionally, the Act at section 24-72-202(7) defines writing 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.

The Act allows the official custodian of public records to make such rules with reference to the inspection of such records and to the prevention of unnecessary interference with the regular duties of the clerk.

Procedure:

Section 1. Requests for Public Records

- 1.1 All requests for public records shall be made in writing and lodged with the official custodian of public records maintaining such reports. The requestor must provide the name of the contact person, contact phone number and method of delivery (paper or digital). The District will only release records permitted by the Colorado Open Records Act (CORA). Many of these requests can be filled immediately; however, if public records are in active use, in storage, or otherwise not readily available at the time that the request is made, the custodian shall set a date at which time the records can be inspected within three (3) working days of the date the request was made with an extension of seven (7) days. Such period may be extended if extenuating circumstances exist (section 24-72-203 (3)(b)). Extenuating circumstances cannot apply to a request that relates to a single, specifically identified document.

Section 2. Electronic records and electronic communications:

- 2.1 Records stored in magnetic or optical disk, on tapes, microfilm and microfiche are considered public records and open to disclosure. After receiving a written request for records stored in any of the aforementioned media, system management staff may take any measures necessary to assist the public in locating any specific public records, including but not limited to, the availability of viewing stations for microfilm, and microfiche, and provision of portable disk copies or computer files, or direct electronic access via online bulletin boards or other means.

Section 3. Fees and Charges:

- 3.1 The Official records custodian for SHFPD will charge for any copies, printouts, or photographs requested. A fee will also be charged for the manipulation of data in order to generate a record in the form not used by the SHFPD, and 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.
- 3.2 Additionally, SHFPD will charge a fee when the public record is the result of computer output other than word processing. The SHFPD records custodian will respond to requests for access to public records stored electronically and in computer database providing, upon request, a copy, disk, or printout, and not by allowing access to a computer terminal or the use of a private terminal. The exception is any public information provided by SHFPD on the Internet. This fee will be based on recovery of the actual incremental costs of providing the electronic services and products together with a reasonable portion of the cost associated with building and maintaining the information system. The official custodian may waive such fees if the electronic services and products are to be used for a public purpose.

Section 4. SHFPD PUBLIC RECORDS STANDARD FEES AND CHARGES:

Photocopies	0.25 cents	per page
FAX copies	0.25 cents	per page + Actual telephone toll charges, if any.

Document certification	1.00 dollar per document
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- 4.1 Research retrieval: The SHFPD shall charge for the actual time spent, in excess of one-hour, based on the hourly rate of \$10.00.
- 4.2 There will be no charge to residents of the Stratmoor Hills Fire Protection District for one (1) copy of requested records.
- 4.3 Occasionally, a request for public records will involve the need to perform a search.
- 4.4 The SHFPD does not charge for requests from governmental agencies.

Section 5. Denial of Inspection:

- 5.1 Access to public records may be denied in accordance with the provisions of the Act. If the official custodian finds that, under the provisions of the Act, a particular record cannot or should not be released, the custodian should promptly notify the applicant. Upon the applicant's request, the custodian shall state the basis for the denial in writing.