

Pueblo County Public Records Policy

Approved by the Pueblo County Board of County Commissioners on August 5, 2015, by Resolution No. 15-174 and amended on November 13, 2018, by Resolution No. 18-278

I. Purpose. The purpose of this Policy is to assure prompt and equitable service to citizens requesting access to public records and to provide guidance to the agencies, departments and offices of Pueblo County.

II. Scope. This Policy applies to requests for records made to the agencies, departments or offices of Pueblo County under the Colorado Open Records Act (“CORA”). Section V of this Policy applies to requests made under CORA and the Colorado Criminal Justice Records Act (“CCJRA”).

III. Requests.

1. Content of Requests. All requests for public records shall be made to the custodian of record for the department or office likely to retain the records. The custodian may require that the request be made in writing. All requests shall be as specific as possible and shall state whether the requestor intends to inspect records or receive copies of records. If the method of inspection is not clearly stated, the custodian shall determine whether to provide copies of the records or whether to allow inspection. Requestors should note that CORA does not require, and may prohibit, the release of certain categories of confidential records.

2. Duties of Custodian.

A. Improper Recipient. If the recipient of the request is not the proper custodian, the department or office that received the request shall attempt to determine the proper custodian and forward the request to that person. The requestor shall be notified of the proper custodian.

B. Fee Determination. By considering the fees and costs set forth in Section V below, the custodian shall initially determine whether a fee will be required in order to comply with the request and, if a fee is required, provide an estimate to the requestor as quickly as possible. After providing an estimate, the custodian shall devote no resources to complying with a request until the custodian receives prepayment or confirmation of future payment from the requestor.

C. Consultation with County Attorney’s Office. Some records are confidential and not subject to disclosure. If the custodian believes that a requested record is confidential, or has questions on whether a record is releasable, the custodian shall consult with

the County Attorney's Office before responding. Furthermore, if the custodian believes he or she will need additional time to comply with a request, the custodian shall seek direction from the County Attorney's Office. It is the obligation of each department or office to respond to all requests for open records properly sent or forwarded to that department or office. In exceptional circumstances, the County Attorney's Office may offer to respond on behalf of the custodian.

IV. Responses.

1. Copies of Records. If no fee is required for a request for copies of records, the custodian shall provide copies of records within three business days, unless extenuating circumstances exist. If a fee is required, the custodian shall provide the requested records within three days of receiving prepayment or confirmation of future payment unless extenuating circumstances exist.

2. Inspection of Records. Upon receipt of a request for inspection of records, a custodian shall allow inspection if the records are immediately available and such inspection would not disrupt the ordinary course of business in the custodian's office. If immediate inspection is impractical or impossible, the custodian shall arrange a time for inspection within three days of the request. If a fee is required and arranging the inspection would cause the department or office to commit or expend any funds in advance, the custodian may set the date for inspection within three days of receiving prepayment or confirmation of future payment. A custodian may require a requestor to inspect copies of records the requestor asked to view in person if allowing access to the originals would disrupt the ordinary discharge of duties in the custodian's department or office.

3. Extenuating Circumstances. If the custodian, in consultation with the County Attorney's Office, determines that extenuating circumstances exist, the custodian shall attempt to notify the requestor of that fact no later than three working days after receiving the request. For responses for which a fee is required, the extension allowed for extenuating circumstances shall begin to run only after prepayment has been received or the requestor has confirmed future payment.

4. Failure to Respond. In situations where the custodian has provided a cost estimate to the requestor, the custodian shall disregard the request after ten (10) business days if the requestor fails to respond to the estimate.

V. Fees and Charges.

1. Hourly Research and Retrieval. For requests made under CORA, all custodians shall charge \$30.00 per hour for the research and retrieval of records required for any request,

except that there shall be no charge for the first hour of research and retrieval. The hourly rate for requests made under CORA shall to be automatically adjusted annually beginning July 1, 2019 to reflect the maximum allowable hourly rate as calculated under C.R.S. § 24-72-205(6)(b). For requests made under the CCJRA, a custodian shall charge thirty dollars (\$30.00) per hour, including the first hour, for the research and retrieval of records. For any request for records made under the CCJRA where the actual cost of the search, retrieval or redaction of records would exceed thirty dollars (\$30.00), such as retrieving footage or data from body-worn cameras or other information technology devices, the custodian shall determine and charge the actual hourly cost.

2. Printing. All custodians shall charge \$0.25 per standard-sized page printed in connection with any request for copies of records. If a custodian requires a requestor who asked only to inspect records to view copies rather than originals, the custodian may waive the fee provided for in this section and keep the copies. If the custodian decides not to waive the fee, the custodian must turn over the copies of the records to the requestor upon payment.

3. Digital Copies. Digital copies of records shall generally be provided by email. Where the type or volume of records makes email impractical for the custodian, the custodian may provide digital copies of requested records on a CD. In such cases, there shall be a charge of \$1.00 per CD.

4. Manipulation of Data. If a custodian elects to manipulate data for the benefit of the requestor, the custodian may charge a fee that reflects the actual expense of such manipulation. No custodian is required to manipulate data under CORA.

5. Prepayment. Custodians may require prepayment for any request resulting in payment and shall require prepayment where mandated by law.

6. Additional Statutory Fees. Nothing in this Section V shall be construed as exempting or replacing any additional or alternative fees imposed by statute or otherwise for certain specific categories of records.

7. Waiver of Fees. A custodian may choose to waive fees imposed under this Section V, except for those described in Subsection V.6 above, as permitted by CORA or CCJRA. Custodians are encouraged to consult with the County Attorney's Office before waiving a fee.

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shall be automatically adjusted annually to reflect the maximum allowable hourly rate as calculated under C.R.S. § 24-72-205(6)(b).

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7. Waiver of Fees. A custodian may choose to waive fees imposed under this Section V, except for those described in Subsection V.6 above, as permitted by the Colorado Open Records Act. Custodians shall consult with the County Attorney's Office before waiving a fee. (Res. 15-174, 8/5/15)