La Plata County
Colorado

POLICY MANUAL

Section:	I - Administration Information Technology & Records Management	Approved:	Chair Vice Chair Commissioner
Policy No.	I.B.2		
Originating Dept.:	Administration		
Subject:	Public Records Policy		
Effective Date:	July 24, 2012		
Replaces:	Public Records, I.B.2, dated November 8, 2004		

I Purpose: To establish a protocol under which public documents will be made available upon request.

II Policy Statement

In accordance with our statutory responsibility, La Plata County is committed to ensuring public access to La Plata County's public records within a reasonable time and at a reasonable cost.

III Definitions

A. The "custodian" means and includes the official custodian or any authorized person having personal custody and control of the public records in question.

B. "Public records" are those defined in C.R.S. § 24-72-202. Generally speaking, the following kinds of records are public:

1. Records of any official actions taken by elected officials during public meetings including minutes, tapes, exhibits, resolutions, agreements, contracts, reports, etc.
2. All documents related to the expenditure of public funds.
3. Applications for employment and employment agreements.
4. Minutes of meetings of any County advisory boards, committees and commissions
5. Incoming and outgoing correspondence of staff in which County business is discussed
6. Correspondence of elected officials, except to the extent that such correspondence is a work product; without a demonstrable connection to the exercise of functions required or authorized by law or administrative rule and does not involve the receipt or expenditure of public funds; a communication from a constituent to an elected official that clearly implies by its nature or content that the constituent expects that it is confidential or a communication from the elected official in response to such a communication from a constituent; subject to

nondisclosure as require by C.R.S.§ 24-72-204(1).

7. Voter and election information, recorded deeds, maps, property assessment information and documentation, taxation documentation and information.
8. Certain electronic mail. (Note: some electronic mail may be considered confidential work product or attorney-client privileged information.)

C. "Writings" includes all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials, regardless of physical form or characteristics. Writings includes digitally stored data, including without limitation email messages, but does not include computer software.

D. "Work product" means and includes all intra- or inter-agency advisory or deliberative materials assembled for the benefit of elected officials, which materials express an opinion or are deliberative in nature and are communicated for the purpose of assisting such elected officials in reaching a decision within the scope of their authority. Such materials include: notes and memoranda that related to or serve as background information for such decisions; preliminary drafts and discussion copies of documents that express a decision by an elected official. Correspondence, reports and any other communication between staff, other agencies, consultants and/or others preparatory to any report or recommendation to an elected official is considered to be a work product. Work product does not include: Any final version of a document that expresses a final decision by an elected official; any final version of a fiscal or performance aptitude report or similar document the purpose of which is to investigate, track or account for the operation or management of a public entity or the expenditure of public money, together with the final version of any supporting material attached to such final report or document; any final accounting or final financial record or report; any materials that would otherwise constitute work product if such materials are produced and distributed in a public meeting or cited and identified in the text of the final version of a document that expresses a decision by an elected official.

E. The definitions found in C.R.S. § 24-72-202, as amended from time to time, are incorporated herein unless the context of this Policy clearly requires a different meaning.

IV Applicability

This policy applies to all departments and offices of La Plata County government.

V Compliance

Each Department Head and Elected Official is responsible to ensure compliance with this policy.

VI General Provisions

A. Right to Inspect Public Records

All books, papers, maps, photographs, cards, tapes, recordings, correspondence, digitally stored data and other documentary materials, regardless of physical form or characteristics, held by any local government for use in the exercise of its functions or involving the receipt or expenditure of public funds are public record pursuant to C.R.S. § 24-72-202, with the exceptions noted in Article 72, Part 2 of the Colorado Revised Statutes, and subject to public inspection under C.R.S. § 24-72-203. In addition to the right of inspection, any person also has the right to obtain copies of these records.

It is the responsibility of each Department and Office to know which records produced by or received by that Department or Office are considered public record. C.R.S. § 24-72-202 specifies what communications and writings are public record.

The following records are not public records:

1. Certain criminal justice records;
2. Work products prepared for elected officials;
3. Personnel files (except applications, employment agreements and performance ratings);
4. Medical, psychological, sociological and certain scholastic achievement data
5. Real estate appraisals; and,
6. Legal reports and advice on matters of litigation.

This list is not exhaustive; therefore, if there is any question about whether or not certain records are public information, the custodian shall consult with the County Attorney.

B. Electronic Mail

Each individual employee is the custodian of his or her incoming and outgoing electronic mail (e-mail). In order to facilitate research and retrieval of email records that may be requested by the public, employees should take care to use a descriptive subject line that accurately and thoroughly reflects the topic of the e-mail correspondence.

C. Requests for Information and Inspection

1. Procedure for Requesting Public Records

With the exception of documents that are provided in the normal course of business, any request for public information that requires research and/or retrieval shall be made in writing and on the official Public Records Request form. La Plata County has developed the official Public Records Request form for the convenience of citizens and to ensure efficient and timely processing of public records requests. The form is available on the La Plata County website (http://www.co.laplata.co.us) or may be obtained by calling the Courthouse Information Desk at 970-382-6200.

All records requests may be delivered or mailed to the Courthouse Information Desk, 1060 E. 2nd Ave., Durango, CO or may be submitted by email to infodesk@co.laplata.co.us. Records requests may also be delivered by fax to 970-382-6299. The staff person who receives the records request at the Information Desk shall immediately transmit the request electronically to the La Plata County Attorney's Office, the Assistant County Manager and the appropriate department head or elected official. The Courthouse Information Desk staff person shall also maintain the log of all records requests received.

Any staff member who receives a public records request directly shall immediately notify his or her department head or elected official. Any records request so received shall be immediately transmitted to the Information Desk (infodesk@co.laplata.co.us) for logging with copy to the County Attorney and Assistant County Manager.

Whenever a request is made for records pursuant to C.R.S.§ 24-72-203, the custodian of the records in question shall consult with the County Attorney to ascertain whether the requested records are public or constitute an exception (such as a work product).

The following office handles its own public records requests:

Sixth Judicial District, District Attorney's Office: All requests should be made to the Sixth Judicial District, District Attorney's Office, 1060 Main Ave., Durango, CO 81301 (970-247-8850).

2. When Time Period for Response Begins

The time period begins when La Plata County receives the completed official Public Records Request form. If the form is sent by:

a. Email, it is deemed received when it is viewed by the recipient.
b. U.S. mail, it is deemed received when the letter is opened and date stamped.
c. Fax, it is deemed received when it is received and date stamped during regular business hours.
d. Notwithstanding the foregoing, requests received outside of normal business hours, on holidays, and over weekends will be deemed received no earlier than 8:00 a.m. on the next succeeding business day.

3. Time for inspection of records

La Plata County will strive to comply with all public records requests within three (3) working days of receipt. If the requested records are in active use or are in storage, and are therefore, not immediately available, this information shall be communicated to the person making the public records request either by phone, or in writing, if requested, before the expiration of the three-day period.

The period of time for providing requested documents may be extended for an additional (7) seven days if the La Plata County Attorney's Office determines that one of the following conditions ("extenuating circumstances") exists, and states such condition in writing to the requestor, within the first three (3) working days of receipt of the request (CRS 24-72-203(3)(b)):

a. A broadly-stated request is made that encompasses all or substantially all of a large category of records and the request is without sufficient specificity to allow the appropriate custodian of records reasonably to prepare or gather the records within the three-day period (CRS 24-72-203(3)(b)(I)).

b. A broadly-stated request is made that encompasses all or substantially all of a large category or records, and the agency is unable to prepare or gather the records within the three-day period because:

   i. The custodian needs to devote all or substantially all of its resources to meet an impending deadline or period of peak demand that is either unique or not predicted to recur more frequently than once a month; or
   ii. A request involves such a large volume of records, or such obscure records, that the custodian cannot reasonably prepare or gather the records within the three-day period without substantially interfering with the custodian's obligation to perform his or her other public service responsibilities. (CRS 24-72-03(b)(II)).

c. If the request is too broad, speculative or voluminous to prepare in ten working days (three days plus the seven-day extension), La Plata County may request relief from the Court, including attorney's fees, as provided by law.

D. **Fees**

1. A substantial number of La Plata County public records are available free of charge on La Plata County's website (http://www.co.laplata.co.us). These include, but are not limited to, the County's budget, agendas and minutes of meetings of the Board of County Commissioners, property records, recorded documents, press releases, and other information.

2. La Plata County may charge for time spent responding to large requests for inspection of records, including without limitation, requests that require the searching of voluminous files for specific information, manipulating data or redacting documents to excise confidential information. The hourly rate for such work is specified in 4 below. For large requests, a deposit of the estimated cost of the work shall be collected before the work begins. If actual charges are less than the deposit, the balance will be refunded.

3. Copies

   a. For records of elected officials other than the Board of County Commissioners, the fee shall be as established in the Colorado Revised Statutes.
   b. For all other County offices, including the Board of County Commissioners, the fee for a *paper copy* of any public record is 15 cents per page for copies up to 11" x 17" in size. If the document is greater than 11" x 17", then the fee shall be the actual cost of reproduction.
   c. The fee for an *electronic copy* of any public record(s) shall be as follows:

If the record exists in electronic format	$1 per CD or DVD + data compilation time
If the record has to be scanned	$1 per CD or DVD + data compilation time
If the record has to be printed and scanned	$1 per CD or DVD + data compilation time + paper copy fee
For copies of videos	$1 per DVD + data compilation time

The County will not accept a CD, thumb drive, or other storage media from the person requesting the records (the "requestor") to avoid viruses and/or system contamination.

4. Data Compilation and/or Data Manipulation

   a. If the request will take more than an hour to fulfill, the fee for compiling the requested information and/or manipulating the data to create a format otherwise not used by the County, shall be as follows:

Board of County Commissioners and appointed departments and divisions	Less than an hour – no charge More than an hour - $25 per hour
Other Elected Officials	Less than an hour – no charge More than an hour - $25 per hour Or as otherwise established in the Colorado Revised Statutes

b. The fee for data compilation includes the cost of redacting documents to excise privileged material.

c. La Plata County may refuse any request requiring data manipulation on the basis that the Colorado Open Records Act does not require manipulation.

E. Inspection of Records

Inspection of records will take place during regular business hours (Monday through Friday from 8:00 a.m. to 5:00 p.m.) in the La Plata County Attorney's Office or at such other location as may be specified by the custodian of the requested records. The requestor may not bring or use photocopiers, fax machines and other copy, scanning or reproductive device when inspecting records. Upon completion of the review, the requestor must mark with tabs the pages he or she wishes to have copied. Copies will be made at a later time, depending on the volume. The requestor will be notified by the method identified on the Public Records Request form when the copies are available for inspection and/or pickup.

F. Denial of Inspection of Records

In accordance with the Colorado Open Records Act, certain records are either prohibited from disclosure or may be withheld from public inspection. Any denial of inspection of records will be specific and the justification for such denial, as authorized under the Colorado Open Records Act, will be provided in writing to the requestor.

G. Retention and Archiving

The custodian of records in each Department and Office is responsible to retain, archive and/or purge records in accordance with the retention scheduled established by the State Archivist for such records. With respect to e-mail, each day the County's computer system routinely purges incoming and outgoing e-mails that are over 90 days old. Therefore, employees are responsible to retain, archive and/or purge, as appropriate, any incoming or outgoing e-mail, along with their other official county records, in accordance with the Department's or Office's retention schedule from the Colorado State Archivist. ***Under certain circumstances, La Plata County must temporarily suspend the Retention and Archiving Section of the Public Records Policy and implement its Legal Hold Policy No. I.B.3.*** The County Attorney's Office will provide notification to the applicable departments when the Legal Hold Policy is in effect, which will supersede this section for all public records subject to the legal hold.

Questions concerning this policy should be directed to the Administration Department. In the event any provision or requirement of this policy conflicts with the Colorado Open Records Act, the provisions of the Colorado Open Records Act shall prevail.

La Plata County Public Records Request

All requests for public records of La Plata County pursuant to the Colorado Open Records Act, also known as CORA, (CRS 24-72-112 through 24-72-402), must be submitted in writing. Please read the instructions on the following page for additional information. Thank you.

Requested by:

Name:	
Address:	
City, State, ZIP:	
Phone/Fax:	
Email Address:	
Delivery Method:	Email Pick Up Fax Mail

Call to advise when request is ready for pick-up? _____ Number:_____

Please be as specific as possible as to the information, documents, records and/or subject matter that you are requesting. Please attach additional page(s) to this form if additional space is needed.

Please specify the date range for the information you are requesting.

Office Use Only

Received by: _____ **Date Received:** _____

Referred to: _____ **Time Received:** _____

Number of pages:_____ **Fee Paid: $**_____**Check#** _____

Date completed:_____ **Date requestor was notified:** _____

Time Spent: _____ **Date closed:**_____

Last updated July 17, 2012

INSTRUCTIONS FOR RECORDS REQUESTS
COLORADO OPEN RECORDS ACT (CORA)

1. Please provide a brief, but very specific description of the documents or information requested noting the date of issuance and location of the document(s), if known. A request that is broad, vague or too voluminous may cause a delay in the time La Plata County can produce the records. If needed, please attach an additional page(s) to list these items in detail.

2. All requests must be submitted in writing as follows:
   - By mail or hand delivery: La Plata County Information Desk, 1060 E 2nd Avenue, Durango, CO 81301; or
   - By email at: infodesk@co.laplata.co.us; or
   - By fax at (970) 382-6299.

   Note: If the request is delivered by mail, email or fax, it is always advisable to call 970-382-6200 to confirm that the request was received.

3. If the records are available pursuant to C.R.S. § 24-72-201, *et seq.*, the records shall be made available for inspection within three (3) working days. If extenuating circumstances exist so that the custodian cannot gather the records within the three-day period, the period shall be extended an additional seven (7) working days. The requestor shall be notified of the extension within the first three (3) days of receiving the request. Please refer to La Plata County's Open Records Policy for complete information. The Policy is available at http://www.co.laplata.co.us or at the La Plata County Information Desk, 1060 E 2nd Avenue, Durango, CO 81301.

4. Upon receipt of the request, staff will collect the records and notify the requestor. A time for review and inspection of the records will be scheduled. Reviews will take place during regular business hours (Monday - Friday, 8:00 to 5:00 p.m.) in the La Plata County Attorney's Office, 1099 Main Street, Suite 313, Durango, CO 81301, unless another location for the review is designated.

5. The requestor may take notes, bring tape recording devices and/or portable computers. Outside photocopiers or scanners are not allowed.

6. Should the requestor wish to obtain copies of documents, the cost per page for hard copies is 15 cents per page, or in the case of records of elected officials, as provided in Colorado Revised Statutes. If actual costs exceed 15¢ per page (such as large format documents), actual costs will be charged. Costs for providing records electronically are outlined in the County's public records policy (add link to this). Payment in the form of cash, check or money order made payable to the La Plata County Treasurer must be made in advance.

7. In the case of a request for a computer output other than word processing, the fee may be based on the recovery of the actual incremental costs of providing the electronic services and products together with a reasonable portion of the costs associated with building and maintaining the information system. La Plata has established this rate at $25 per hour for the compilation of data and/or manipulation of data in order to generate a record in a form not used by La Plata County. If the records request can be completed in one hour or less, no data compilation fee will be charged. This fee includes the cost of redacting documents to protect legally privileged material. You will be notified in advance of the estimate of any such fee. We will commence no work of this type on your behalf without your prior approval and advance deposit.

8. In the event requestor does not make arrangements for a review of documents, fails to appear for the review, or fails to prepay costs within ten working days of notification of the availability of records, the request will be deemed closed.

NOTE: It is a Class 1 Misdemeanor for a person to knowingly make a false entry or alter any public record or to destroy, mutilate, conceal, remove, or impair the availability of any public record. C.R.S. § 18-18-114. "Public record" is defined as all official books, papers, or records created, received, or used by or in any governmental office or agency.