

ACCESS TO PUBLIC RECORDS

1.0 Purpose:

- 1.1 To set forth a general policy and procedures for providing access to Public Records (Records) maintained by the City in compliance with the standards and requirements of the Colorado Open Records Act, C.R.S. Section 24-72-201, *et seq.* (“CORA”).
- 1.2 To establish reasonable and standardized fees for producing copies of and information from City-maintained Records as authorized by CORA.

2.0 Scope:

This policy shall apply to all Records and copies of all information requested and/or released including those Records transmitted electronically, if the Record requested exists in electronic format, or using other technology. Records covered under the Criminal Justice Records Act are exempt from this policy.

3.0 Policy:

It is the policy of the City that Records shall be open for inspection at reasonable times in accordance with CORA. Records include electronic mail messages (email) and digital spatial data, but do not include computer software. When possible, searchable Records shall be provided in searchable format and sortable Records shall be provided in a sortable format. Any other electronically stored information provided in response to a request for access to a Record shall be sent in a format that cannot be manipulated (i.e., .pdf or .tif).

4.0 Procedures:

- 4.1 As designated by Charter, the City Clerk is the custodian of all Records maintained in the office of the City Clerk. The Assistant City Manager, Deputy City Manager, and Executive Directors are the official custodians of all Records maintained within their departments. The Information Technology Director is the official custodian of email. The City Attorney’s Office shall manage all open Records requests for City Council files and/or correspondence.
- 4.2 It is the responsibility of the Assistant City Manager, Deputy City Manager, Executive Directors, and Information Technology Director to become familiar with and to educate his/her affected employees with the standards and requirements of this Directive. Each Department within the City shall have an internal policy or procedure concerning access to public Records which shall be reviewed by the City Clerk’s office and Legal to ensure compliance with CORA.

- 4.3 Except as provided in Section 4.3 of this Directive, all Records as defined in CORA shall be open for inspection in the office of the Records custodian from 9:00 a.m. until 12:00 noon and 1:00 p.m. until 4:00 p.m., Monday through Friday, except on holidays observed by the City of Thornton.
- 4.4 Inspection of the following Records shall not be permitted:
- a) If upon consultation with the City Attorney, it is determined that inspection would be contrary to any state statute, federal statute, or regulation issued thereunder or is prohibited by rules promulgated by the order of any court.
 - b) Communications to or from attorneys in the City Attorney's Office or other special counsel without review by the City Attorney's office.
 - c) If disclosure of the contents of any Record is not required under CORA, including but not limited to confidential financial or personal information, draft documents, Records related to investigations or litigation, medical information, and personnel records.
- 4.5 All Records requests shall be submitted in writing, preferably on the Public Records Request Form. Upon receiving a public Records request, the Custodian of Records shall notify the City Clerk, or designee, for tracking purposes. If clarification of an open Records request is necessary, all correspondence shall be in writing, to the extent practical.
- 4.6 If the Records custodian has questions regarding the right to inspect a record, those questions should be directed immediately to the Office of the City Attorney. For Records that will require Legal review, Records shall be provided in searchable .pdf format if possible.
- 4.7 In all cases in which a person has the right to inspect any Record pursuant to this Directive, copies, printouts, plots, electronic documents, or photographs of such Records shall be provided to the requestor.
- a) Any Records request that can be produced in an hour or less shall not include a charge. Research and retrieval time beyond one hour shall be charged at the maximum hourly fee in accordance with CORA. In addition, requestors shall be charged the actual costs for printed copies or hardware supplied by the City such as USB drives. The City Clerk has the ability to grant a waiver.
 - b) The fee schedule for Record requests shall be posted on the City of Thornton's City Clerk website.
 - c) Any Records request that may require payment, including requests that may take more than an hour to produce, requires a time/cost estimate to be provided to the requestor.

- d) For a Records request that requires a time/cost estimate, any Records request that will take more than five hours requires a 20 percent deposit prior to any additional research and retrieval. Work on any Records request that will take more than five hours shall not commence until a deposit is received.

- e) If either the deposit is not received within 24 hours of notification to the requester of the deposit amount or the City does not receive communication from the requester indicating the need for additional time, the request will be closed and all Records retention policies will resume.

Signed by Kevin S. Woods

Kevin S. Woods, City Manager

8/18/19

Date