

## ACCESS TO PUBLIC RECORDS

### 1.0 Purpose:

- 1.1 To set forth a general policy and procedures relating to requests for Public Records made, maintained, or kept by the City ("Records") 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 Records as authorized by CORA.

### 2.0 Scope:

This policy applies to all Records, regardless of their location or the format in which they reside. Records covered under the Colorado Criminal Justice Records Act are exempt from this policy.

### 3.0 Policy:

It is the policy of the City that Records, as that term is defined in CORA, shall be open for inspection at reasonable times in accordance with CORA. When possible, searchable Records shall be provided in a searchable format and sortable Records shall be provided in a sortable format. Any other electronically stored information provided in response to a Records request shall be sent in a format that hinders manipulation of the record (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 the email system and email contained within the system. The City Attorney shall oversee all 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 affected employees with the standards and requirements of this Directive, and to ensure proper and timely response to Records requests.

- 4.3 Each department within the City shall have an internal procedure concerning access to Records which must include steps for tracking and logging Records requests. Departmental procedures shall be reviewed by the City Clerk's Office and the City Attorney to ensure compliance with CORA.
- 4.4 The City Clerk's Office will audit department logs for CORA compliance.
- 4.5 Departments will report the number of Record requests processed to the City Clerk's Office on a monthly basis.
- 4.6 Except as provided in Section 4.7 of this Directive, all Records shall be open for inspection in the office of the Records custodian during regular business hours.
- 4.7 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.
  - c) Records for which disclosure is prohibited under CORA.
- 4.8 It is preferred, but not required, that Record requests be submitted electronically or in writing. Verbal requests must be documented by the person receiving the request.
- 4.9 If clarification of a Records request is necessary, the Records custodian or City Clerk's Office shall reach out to the requester for clarification within one (1) business day of receipt of the Records request, to the extent practical.
  - a) If clarification of a Records request is necessary, all correspondence shall be in writing, to the extent practical.
  - b) The requester shall be notified that clarification must be received by the City within one (1) business day.
  - c) If the City does not receive clarification of the Records request within one (1) business day, the requester shall be notified that the Records request has been closed.
- 4.10 If the Records custodian has questions regarding the right to inspect a record, those questions should be directed immediately to the City

Attorney. For Records that will require legal review by the City Attorney, Records shall be provided to the City Attorney at the earliest time feasible and in searchable native or .pdf format, if possible.

- 4.11 In all cases in which a person has the right to inspect any Record pursuant to this Directive, the person may request a copy, printout, or photograph of the Record and upon request shall be provided to the requester (fees may apply).
- 4.12 Responses to Records requests shall be completed within three (3) business days from receipt of the Records request unless extenuating circumstances exist, as permitted by applicable law.
  - a) Records requests that can be completed in less than one (1) hour should be completed within one (1) business day, if possible.
  - b) An employee being unavailable due to sick leave, vacation leave, or any other reason is not grounds for a time extension for processing a Records request. In these cases, another staff member must be assigned to process the Records request. Records, regardless of format, should be accessible to authorized personnel as part of department protocol under normal operating conditions.
- 4.13 The fee schedule for Records requests shall be posted on the City of Thornton's City Clerk website.
  - a) Any Records request that can be produced in one (1) hour or less shall not include a charge. Research and retrieval time beyond one (1) hour shall be charged at the maximum hourly fee in accordance with CORA.
  - b) Any Records request that may require payment, including Records requests that may take more than one (1) hour of research and retrieval time to produce, requires a time/cost estimate to be provided to the requester as soon as possible. If, upon receipt of a time/cost estimate, the requester withdraws the Records request and subsequently submits multiple Record requests for Records substantially similar to the withdrawn request, the City may, in its reasonable discretion, deem such Record requests duplicative of the withdrawn Records request and assess the same or a similar time/cost estimate.
  - c) For a Records request that requires a time/cost estimate, any Records request that is estimated to take five (5) or more hours of research and retrieval time requires a 50 percent non-refundable deposit. Additional research and retrieval on any Records request

that is estimated to take five (5) or more hours shall not commence until a deposit is received.

- d) If either the deposit is not received within one (1) business day 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 to consider the fee, the Records request will be closed, and all Records retention policies will resume.
- e) Multiple Records requests submitted by the same person or entity within a period of three (3) business days may be treated as one (1) Records request for the purpose of assessing estimated research and retrieval time and related fees and costs.
- f) Records requests by the same person or entity that, in the reasonable discretion of the City, relate to the same or similar topic, and that are submitted to one or more Department or Division, may be treated as one (1) request for the purpose of assessing estimated research and retrieval time and related fees and costs.
- g) Payment of incurred fees is required prior to the release of Records.
- h) The City Clerk, in the City Clerk's sole discretion, may grant a waiver of fees or refund of deposit.
- i) For any in-person inspection of Records, staff supervision is billable at the maximum hourly fee in accordance with CORA after the first hour of research and retrieval time.

4.14 The City reserves the right not to respond to any portion of a Records request that contains demeaning, harassing, or threatening language.

Signed by Kevin S. Woods  
Kevin S. Woods, City Manager

11/16/22  
Date