



COLORADO
Department of
Higher Education

**DATE ISSUED OR
REISSUED:**

July 2, 2014

TITLE:

COLORADO OPEN RECORDS ACT (CORA) POLICY

The Colorado Department of Higher Education (“Department”) is committed to transparency and open government. The following policy specifies how the Colorado Open Records Act (“CORA”) (§ 24-72-201 to 206, C.R.S.) will be applied in a uniform and reliable manner. This policy will help ensure the Department complies in all respects with CORA and meets all constitutional and statutory duties to the people of Colorado in an orderly and expeditious manner. This policy is not intended to be duplicative of CORA or supersede state law.

This policy applies solely to requests in which the Department is the custodian of records pursuant to CORA. Other state agencies may have different CORA policies.

For purposes of this policy, “Department leadership” refers to the Executive Director and/or the Chief Operating Officer.

Department procedure for handling records requests

All records requests made of the Department by mail, fax, courier, e-mail or other means shall be immediately provided to the Public Information Office and Department leadership. All records that may be responsive to specific requests for information must be provided to the Public Information Officer as soon as possible. The Public Information Officer will respond to all CORA requests except in extraordinary circumstances.

The Department will only accept records requests made in writing or electronically via e-mail or fax. Records requests or requestors that cite the federal Freedom of Information Act will be treated as though they were made pursuant to the Colorado Open Records Act.

When responding to a records request, the Department shall make every effort to respond within three working days as required by § 24-72-203(3)(b), C.R.S. The Department can issue up to a seven-working-day extension if it finds extenuating circumstances exist, as described in § 24-72-203(3)(b), C.R.S. A request is received by the Department the day an e-mail, fax or letter containing a request is opened. The three working-day response time begins the first working day following receipt of the request. A request received after 5 p.m. or any day the Department is officially closed will be considered received as of the following working day.

No employee of the Department may modify, redact or omit any records he/she is required to provide to the Public Information Officer pursuant to this policy, or the Department leadership designee handling the request. Decisions about the applicability of CORA to particular writings will be made by the Public Information Officer and Department leadership.

When feasible, the Department will endeavor to provide electronic copies or files to requestors if such alternative is significantly less burdensome to provide than paper records (see “The format of records produced” below). When responsive records cannot be easily or cost-effectively provided electronically to a requestor, the Department will work with the requestor to schedule a time to inspect the records in person. The Department is open from 9 a.m. to 5 p.m. Monday through Friday. The Public Information Officer (after consultation with Department leadership) may grant exceptions where the Department, requestors or the records produced require special accommodations.

Department staff should never assume a document is exempt from CORA and should always consult with the Public Information Officer before making a final determination.

These provisions shall not apply to records requests received and handled by employees as part of their work for client agencies or officials when the custodian of records is not the Department.

Fees for document retrieval, review, copies and release of records

When a substantial request is made – requiring the production of more than 25 pages of documents or the use of more than one hour of staff time to locate or produce records – the Department will charge the requestor for all copying expenses and reasonable, actual costs associated with staff time in accordance with § 24-72-205(5)(a), C.R.S. and applicable law.

When the number of pages produced in response to a records request exceeds 25 pages, the Department will charge \$0.25 per page for all documents photocopied. When researching, retrieving, reviewing or producing records consumes more than one hour of staff time, the Department will charge \$20 an hour for all staff time after the first hour associated with researching, retrieving, reviewing and producing records

for a requestor. The Department also may charge an hourly rate not to exceed \$30 an hour (after the first hour) when specialized document production or specialized skills are required to research, retrieve, review, locate, compile or produce records pursuant to a records request, including the use of third-party contractors. Any costs charged to a requestor shall not exceed the actual cost of producing the records, in accordance with § 24-72-205(5)(a), C.R.S., and applicable law.

For requests where the Department anticipates more than 25 pages will be produced and/or more than one hour of staff time will be consumed, the Department will provide a requestor with advance notice and an estimate of compliance costs. Such costs must be paid in full before the production of records unless alternative arrangements have been made through the Public Information Officer (after consultation with Department leadership).

The format of records produced

The Colorado Open Records Act guarantees that all public records must be open for inspection by any person at reasonable times, except as provided in CORA or as otherwise specifically provided by law (§ 24-72-201, C.R.S.). CORA does not guarantee access to public records in a specific format. When the production or review of records in a specific format would interfere with the regular discharge of duties of Department employees (§ 24-72-203(1)(a), C.R.S.) or levy an undue burden upon the Department, the Public Information Officer and Department leadership will determine the appropriate format for the records to be produced. Records maintained electronically may be produced electronically at the Department's discretion; this may or may not mean records are provided in their native format.

The Department may require that members of the public or press only be allowed to review copies of documents when the custodian of records determines that allowing access to originals could interfere with the regular discharge of duties of the Department or its staff or production of original records could jeopardize the condition of the records.

Approved:

A handwritten signature in cursive script, appearing to read "Lucia".

Date: July 3, 2014