



ADMINISTRATIVE POLICY MEMORANDUM NO. 4-9 (Revised)

Date Revised: June 17, 2014
Date Revised: June 25, 2012
Date Issued: December 19, 1997
Subject: COLORADO OPEN RECORDS ACT (CORA) REQUESTS

I. PURPOSE

To set forth a general policy for providing access to and inspection of public records maintained by the City of Aurora (the City) pursuant to the Colorado Open Records Act (CORA), section 24-72-201 et. seq., C.R.S. This policy does not apply to criminal justice records, as defined by the Colorado Criminal Justice Records Act (CCJRA), section 24-72-301 et seq., C.R.S. Requests for these records should be made directly to the applicable department of the specific records requested, for example the Aurora Police Department - Police Records Unit; the Public Safety Communications Department/Dispatch Center; Aurora Detention Facility, etc.... CCJRA requests that originate in the City Clerk's office, or requests that include public records under both CORA and CCJRA will be processed, but fees will be assessed accordingly.

To protect the integrity of the City's records and to prevent unnecessary interference with the regular operational duties of City of Aurora employees that may be caused by access to the records.

To establish general procedures and reasonable and standardized fees for the research, retrieval and obtaining of information from City-maintained records; and the review, analysis, redaction, preparation and production of copies of public records.

To ensure consistent application of these procedures across all departments when responding to requests for City-maintained records

II. SCOPE:

Except where otherwise stated by charter or ordinances it is the policy of the City Aurora to make public records open for inspection at reasonable times.

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These rules apply to requests submitted to the City for the inspection of public records pursuant to CORA. These rules do not apply to informal requests for information or records that are not specifically submitted pursuant to CORA.

The City Clerk is the official records custodian for municipal records centrally maintained by the city. In certain circumstances, department directors may be considered records custodians for records maintained with their departments as well as the Director of Information Technology for email records.

The Office of the City Attorney shall be consulted when requests for public records under this Policy are made from members of the media, attorneys or private investigators, when requests involve multiple city departments, or when legal interpretation is required.

III. PROCEDURES:

A. Submission of requests

1. Requests for public records under this policy shall be made in writing and must be specific as to the information requested.
2. Requests should be made to the City Clerk's office.
3. Requests may be submitted by hand-delivery, mail, fax, e-mail, or through the on-line link at <https://www.auroragov.org/cs/groups/public/documents/document/011791.pdf>.
4. The City may contact the person requesting to inspect or receive a copy of public records (the requestor) in an attempt to clarify and narrow the request. Specificity on things like the nature of documents, the timeframe requested, and other necessary details enable the request to be filled more expediently, and in a manner which may produce a cost savings to the requestor. Conferral between the requestor and the City is strongly encouraged, throughout the entirety of the process.

B. Process of Filling Requests

1. A cost estimate will be provided to the requestor. The cost estimate will include the estimated time needed by any city staff or representative to complete the research, retrieval, copying, redaction, assembly, transmission, and any other activities.
2. The fee for filling the open records request, as described in Part III, Section (B)(1), is \$30.00 per hour. This fee will only be charged after one hour of staff time has been expended. The cost estimate will not include the first, free hour of staff time.
3. A 50% advance deposit may be required for open records requests that are estimated to cost in excess of \$100.00 to complete.
4. Should production of the records prove more costly, than the provided estimate, the requestor will need to pay the additional amount prior to receiving the records. However, if the actual costs prove less than the estimate, any necessary adjustment will be reflected upon the invoice at the time the request is ready for pickup.
5. No work to complete the request will begin until the requestor approves the cost estimate, and makes payment, if necessary because the estimate was more than \$100.00. The timeframe the custodian has to complete the request will be tolled during the time period between notification to the requestor and approval by the requestor.

C. Inspection or Production of Documents

1. Public records shall be made available for inspection or pickup in the office of the official records custodian (City Clerk) from 8:30 AM to 4:30 PM, Monday through Friday, except on observed holidays.
2. If the requested records are in the custody and control of the records custodian, but are in active use, in storage, or otherwise not immediately and readily available for inspection, the records custodian shall set a date and hour when the records will be available for inspection. The date and time shall be within three working days unless extenuating circumstances exist which requires the date and time to be extended for up to an additional seven working days. All findings of extenuating circumstances shall be made in writing by the official records custodian to the requestor.
3. Public records shall not be removed from the City Clerk's office or from the city departments. Copies will be made from the originals, and made available for inspection in the City Clerk's office. Even if the requestor chooses simply to inspect the documents in the City Clerk's office, if the documents were assembled solely for the purposes of such request, the full cost of filling that request [as delineated in Part III, Section B(1) of this policy] must be paid in full before the documents can be inspected.
4. The public may not be allowed to directly use either its own or the equipment of the City of Aurora in inspecting or copying public records. In every instance, the necessary manual or electronic functions necessary to extract, collate, organize, retrieve, copy or otherwise manipulate the records and data necessary to produce the record or allow for its inspection shall be performed by city personnel using the equipment of the city.
5. The City will choose the format in which to provide the public documents, and will provide the responsive information in a reasonably accessible form which does not alter the content of the information. The standard practice is to provide hard copies. In certain circumstances, at the discretion of the official records custodian, electronic copies may be provided. However, electronic copies will only be provided in a PDF format. No transmission fees will be charged to the record requestor for transmitting public records via electronic mail. However; other fees may be charged, if applicable, according to this policy.
6. The City shall deny the inspection of any records if such inspection would be contrary to state or federal law or regulation, would violate a court order, is involved in litigation or would do substantial injury to the public interest.
7. Reasons for denial of access to public records and for records not in the control or custody of the official records custodian shall be noted in writing by the official records custodian in consultation with city staff.

D. Fees

1. If a person has the right to inspect a public record, the person may request a copy of the record. The official records custodian may charge reasonable fees for the production of such public records.
2. If, in response to a specific request, the City has chosen to perform a manipulation of data so as to generate a record in a form not used by the City in its normal course of business, fee(s) will be charged to the person making the request. Such fee(s) shall not exceed the actual costs of research, retrieval and manipulation of the said data and generating the

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said record in accordance with the request. Persons making subsequent requests for the same or similar records may be charged a fee not in excess of the original fee.

3. The City will not impose a charge for the first hour of total time any staff member(s) expend in connection with filling a request for public records under CORA.
4. After the first hour of time has been expended, the City will charge a fee of \$30.00 per hour for the research and retrieval of such documents.
5. Copies, printouts, and photographs of a public record will be provided for a fee of twenty-five cents per standard page, defined as a document created from word processing, generated onto paper sized 8 ½ x 11 to 11 x 17 from a non-color printer.
6. Copies, printouts, and photographs of a public record in a format other than a standard page will be provided for a fee not to exceed the actual costs of providing such documents.
7. If the City, at the sole discretion of the official records custodian, chooses to provide information via a delivery mechanism other than hard copies, a fee, not to exceed actual costs of such delivery mechanism, will be charged.
8. The standard fee for a CD and/or a DVD is actual cost.
9. The standard fee for a thumb drive containing 4gb is \$4.00.
10. If the City, at the sole discretion of the official records custodian, chooses to deliver or transmit public records in response to a records request, the fees for such delivery shall not exceed actual costs. After notifying the requestor that the records are ready to be inspected or picked up, and if the requestor asks and the official records custodian agrees to deliver or transmit the records, the official records custodian will send the records only upon either receiving full payment or making arrangements to receive such payment at a later date.

E. Abandoned Requests

1. Records assembled in response to a CORA request will be held for no more than seven business days after the requestor has been notified that the records are available for inspection or pick-up. The holding period may be shorter for records which are needed for any use. Failure to inspect or pick-up the records within this timeframe will be considered an abandoned request, and the request will be automatically closed. The records will be returned to their files and a new records request form must be submitted in order to inspect or obtain copies of the records, wherein the entire process will start over.
2. The official records custodian will maintain a list of requestors, or agencies, who have previously abandoned requests. A 100% advance deposit may be required for requests from persons, or agencies, who have made previous records requests and not paid or not come in to view the requested information.

IV. **EFFECTIVE DATE:**

This policy is effective July 1, 2014, and supersedes APM 4.9 revised June 25, 2012.

V. **APPROVAL:**



George K. Noe, City Manager



Date