

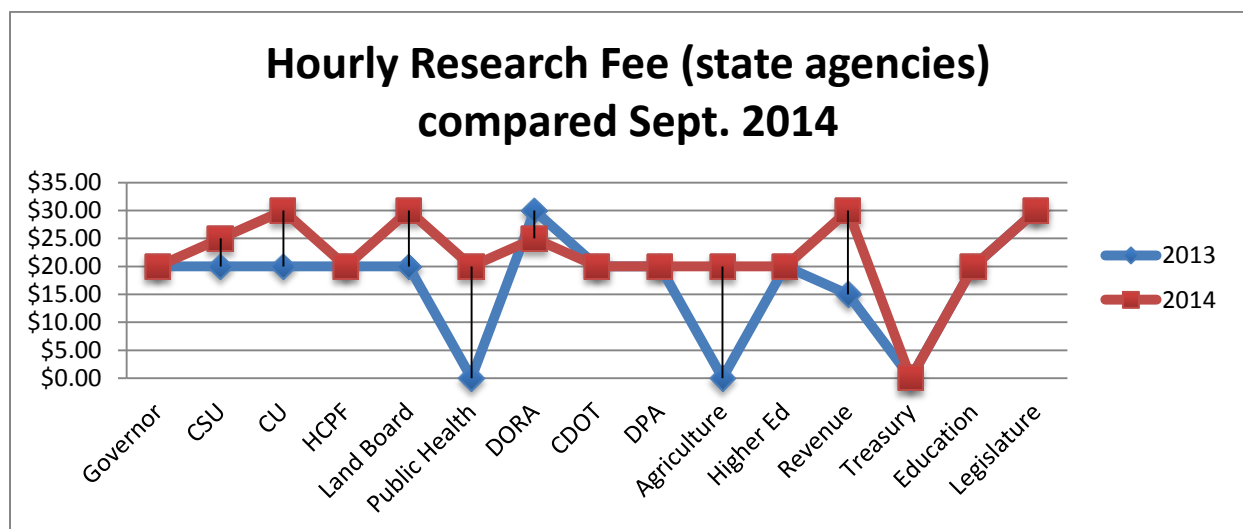
Modernizing CORA One Year Later: Improvements in Colorado Open Records Law

One year ago, Colorado Ethics Watch released the report *21st Century Sunshine: Modernizing CORA* (available [here](#)). In addition to information about digital access to public records in Colorado, the report's research illustrated how Colorado Open Records Act (CORA) requestors faced a confusing and expensive landscape of "research and retrieval" fees charged by different state and local agencies. So have things improved in Colorado or has the cost to citizens continued to skyrocket?

Research and retrieval fees have been standardized and lowered due to legislation passed in 2014. House Bill 14-1193 updated CORA in three ways: (1) requiring any state, county or local agency that opted to charge research and retrieval fees to provide public notice of such fees on its website; (2) prohibiting charging of research and retrieval fees for at least the first hour of time spent responding to the CORA request; and (3) capping any research and retrieval fees at \$30 per hour. The revised statute went into effect July 1, 2014.

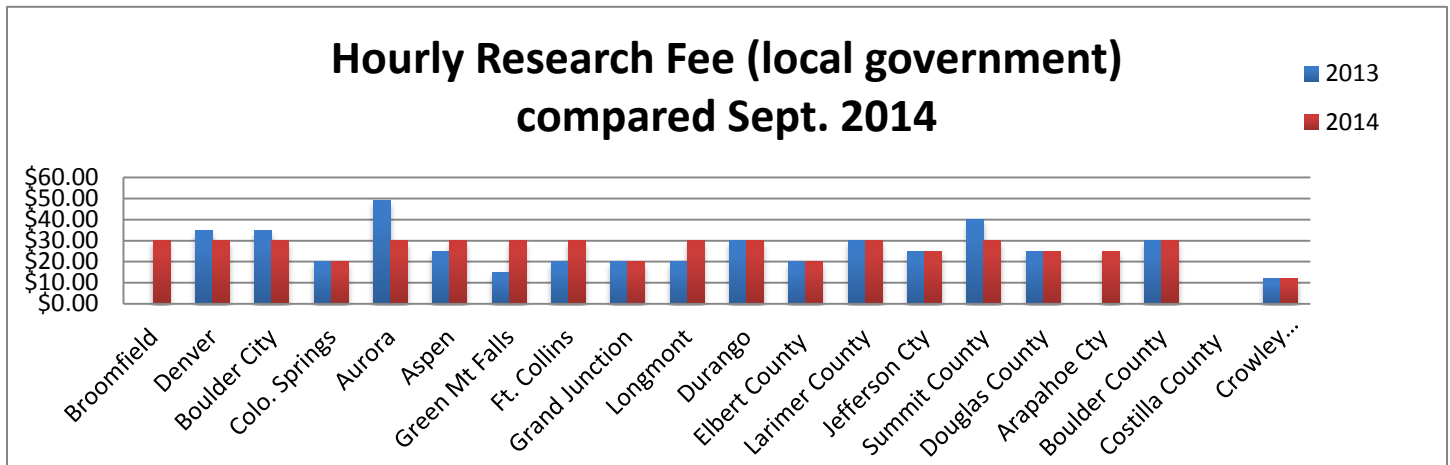
A review of the state, county and municipal level charges for research and retrieval fees in September 2014 – one year after fees were surveyed for the 2013 report and three months after the new law took effect – shows more consistent fees, which are lower overall. Plus, at every level of government, citizens now have the ability to see fees on public websites before placing an open records request.

State Agencies Comparison – While some state agencies have increased their hourly fee to the new law's maximum of \$30 per hour, many have followed the Governor's office in charging only \$20 per hour.



Another improvement since 2013: **17 percent** of these state agencies used to charge for all time spent responding to an open records request. In 2014, all state agencies provide at least one hour of response time without charge, as required by law, and **36 percent of the agencies provide two hours without charge.**

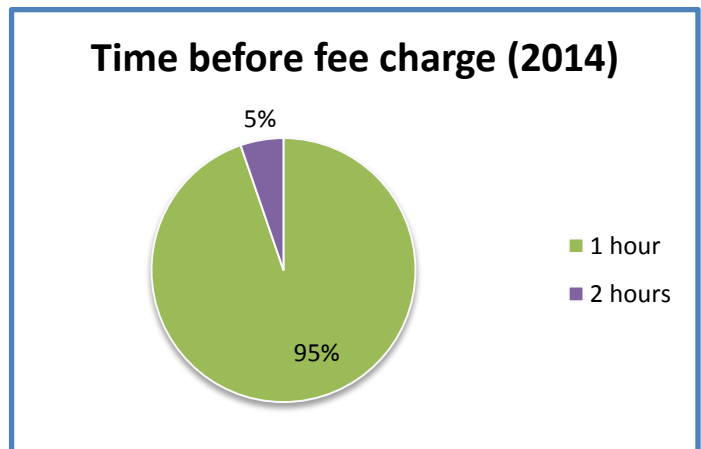
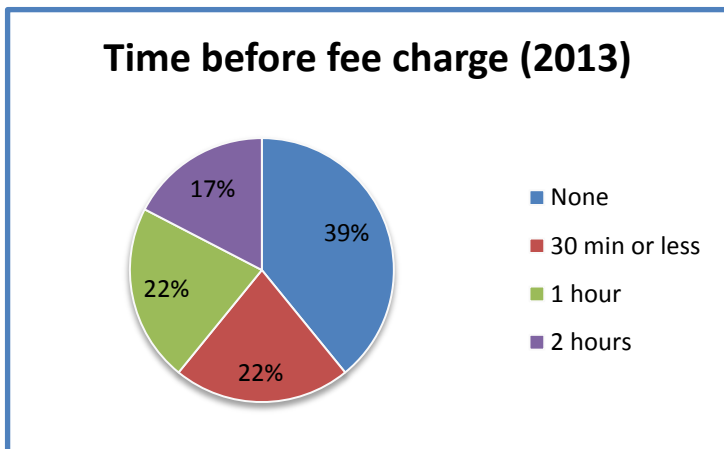
Local Agencies Comparison – In 2013, counties and municipalities generally charged higher fees than state agencies and those fees varied greatly. Now the fees charged are more uniform and hover around the \$30 per hour statutory cap. Some counties (such as Costilla) still charge no research and retrieval fees in 2014.



The most dramatic improvement for citizens was in those localities that charged fees for responding to CORAs based on the “actual cost” of the employee fulfilling the CORA request in 2013, resulting in an hourly fee of \$100 or more in many locations. **Each of the local governments identified in the 2013 report as having “actual fees” have now reduced fees in compliance with the new law.**



The other major improvement for citizens is the increased amount of time that local governments will spend responding to a request for open records before starting to charge research and retrieval fees. Most citizens with routine requests to see public records will fall within this one to two hour window and will not be charged. In the past, many of these local governments charged for every single minute of every CORA request.



Overall things have improved for CORA requestors in the last year, but there is much work still to do to convince state and local governments to proactively provide digital documents online so that citizens, journalists, and others do not even have to use the formal CORA process to access public records.