

***Superintendent File: KDB***

**PROCEDURES FOR DISCLOSURE OF PUBLIC RECORDS PURSUANT TO THE COLORADO OPEN RECORDS ACT**

The Douglas County School District RE-1 (the “district”), like all other Colorado government entities, is required under the Colorado Open Records Act (CORA) (Sections 24-72-201 to 206, C.R.S.) to make certain records available for public inspection. CORA provides the framework for public access to the records of the district. The district’s Public Records Custodian is responsible to manage and facilitate CORA requests and the district’s responses to such requests to the extent required by CORA.

CORA defines a “public record” as including most writings made, maintained, or kept by the district for use in the exercise of its functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds. *See* 24-72-202(6), C.R.S. CORA requires the non-disclosure of certain public records maintained by the district while requiring public access to non-exempt public records. (*See* 24-72-202 and 204, C.R.S.). The district’s Public Records Custodian will make a good faith effort to respond while ensuring that other confidential, excepted, or exempted writings or information are redacted or withheld. The district has no duty to create a public record that does not already exist.

**Procedures**

1. To clarify and facilitate the processing of a request to inspect and/or obtain copies of records, the district may require that the request be made via the form linked on the District’s website on its “Open Records Requests (CORA)” page. If a request is made via another medium, including telephone or email, the person making the request will be asked to submit the request via the District’s website. Exceptions to this requirement may be made by the Public Records Custodian.
2. All requests for public record(s) shall be specific enough to allow the district to efficiently identify the requested record and respond to the request. Requests for electronic mail should specify the date (or range of dates), individual email accounts to be searched, and specific search terms sought. If the request is overly broad, the custodian of records will contact the requester to try to narrow the search so that responsive records may be identified and retrieved.
3. The district’s Public Records Custodian will make disclosable records available within a reasonable time of the person's request.
  - a. A reasonable time should not exceed three working days but may be extended by an additional seven working days if certain extenuating circumstances exist, in accordance with CORA.
  - b. If the public records requested are not in the custody or control of the Public Records Custodian, the Custodian shall notify the requester and shall state in detail to the best of the Custodian’s knowledge and belief the reason for the absence of the records from the Custodian’s custody and control, the location of the records, and what person then has custody or control of the records.
  - c. Requests received after 4 p.m. Mountain Time will be deemed to be received on the following working day.

4. If the person seeking the record requests transmission of the record, the Public Records Custodian shall notify the person once the record is available that it will only be transmitted when the Custodian receives payment or makes arrangements for receiving payment for all costs associated with the record transmission and for all other fees lawfully allowed, unless the custodian waives all or any portion of such costs or fees.

Upon receipt of payment of any applicable copy costs and/or other fees or upon making payment arrangements with the person requesting the record, the district's Public Records Custodian will transmit a copy of the record by United States mail, other delivery service or electronic mail. Transmission will occur as soon as practicable but no more than three working days after the district's receipt of payment.

5. Inspection of any public record shall take place in an area designated by the district's Public Records Custodian and shall occur in a manner that will not be disruptive to district operations. District employees may be assigned to monitor any inspection of public records.
6. Requests for video surveillance footage shall specify the date, time, and specific location of the footage sought. Responses to such requests shall be in accordance with Superintendent File ECA-R and applicable state and federal law. Video surveillance footage may be viewed in an area designated by the Public Records Custodian and shall occur in a manner that will not be disruptive to district operations. District employees may be assigned to monitor any inspection of video surveillance footage.
7. With the exception of video surveillance footage (discussed above), if the district stores the public record in a digital format, the district must provide a copy of the record in a digital format. Public records stored in a searchable format must be provided in a searchable format and public records stored in a sortable format must be provided in a sortable format. However, public records do not need to be provided in a searchable or sortable format if any of the following exceptions apply:
  - a. producing the record in the requested format would violate the terms of a copyright or licensing agreement;
  - b. producing the record in the requested format would result in the release of third party proprietary information;
  - c. after making reasonable inquiries, the Public Records Custodian determines that:
    - (1) it is not technologically or practically feasible to permanently remove information that the district is required or permitted to withhold;
    - (2) it is not technologically or practically feasible to provide a copy of the record in a searchable or sortable format;
    - (3) producing the record in a searchable or sortable format would require the purchase of software, or the creation of additional programming or functionality in existing software, to remove information the district is required or permitted to withhold.

## **Deadlines**

When responding to a request for public records under CORA, the district's Public Records Custodian should make every effort to respond within three working days as required by CORA. The Public Records Custodian may use the extension allowed by CORA which allows for an additional seven working days to respond. If the nature of the request requires more time than set out in CORA, the Public Records Custodian will communicate with the requester of the need for additional time and the district will make a good faith reasonable effort to process the request as promptly as is feasible in light of the size and scope of the request, the workload of the other prior requests that the district has received and is processing, and the technical capacity of the district's IT systems to search for responsive records.

In calculating the due date for the production of responsive public records or the date when access to the public records are otherwise made available for inspection, the following guidelines should apply:

1. If a request is received after 4:00 p.m. Mountain Time, it is considered received the next working day.
2. In calculating the time to respond, the day the request is received is not counted. (*See* Section 2-4-108, C.R.S.).
3. For broad, general requests, the timeframe for fulfilling a request may be put on hold while the Public Records Custodian attempts to clarify or narrow the request; however, the Public Records Custodian shall communicate and respond to the requester regarding the broad, general request no later than three working days.
4. For requests that require a payment for fees, the timeframe for completion of the request is put on hold until payment is received.
5. Any day the offices of the district are closed does not count as a working day.

## **Fees**

CORA allows fees to be charged and collected which assist in covering the costs associated with the district's expense in the retrieval, copying, production, and/or providing access to the district's public records. Accordingly, the district's Public Records Custodian should charge hourly fees (beyond the first hour) for all requests and should require a deposit to begin the work necessary to product the requested records.

If the Public Records Custodian needs more than one hour of time to respond to a CORA request, the Public Records Custodian should estimate the amount of time required to fulfill the request and notify the requester of the estimated cost. The Public Records Custodian will commence responding to the request upon receipt of the estimated cost. The timeframe the Public Records Custodian has to complete the request will be tolled between providing the cost estimate to the requester and the requester's payment of the estimated cost to the district. In fulfilling the request, the Public Records Custodian shall track his/her time and record that time in writing. If the actual time/cost is less than the estimate, the difference shall be refunded to the requester. If the actual time/cost exceeds the estimate, the requester shall pay the difference.

The following fees shall apply:

1. The fee for copying public records will be \$ 0.25 per page.
2. The fee for staff time to fulfill a request will be no charge for the first hour, and then \$33.58 per hour thereafter.

3. No transmission fee will be charged for transmission via electronic mail.

### **Limitations on Access to Public Records**

CORA allows the Public Records Custodian to deny access and/or the right of inspection to certain public records (*see* 24-72-204(2)(a), C.R.S.) and in some circumstances requires the Public Records Custodian to deny access and/or the right of inspection to certain public records (*see* 24-72-204(3)(a), C.R.S.). Some of the common types of documents as to which access by members of the general public will be restricted or redacted, include: student records; personnel files and letters of reference; medical, mental health, and scholastic data of a person; attorney-client privileged communications and work product; contact information for students; personal contact information for employees; personal email addresses of individuals; and, personal contact information of families.

### **Denial of Access and Dispute Resolution**

If the district denies a request for access to district records and the person requesting the records asks for a written statement of the grounds for denial, the district shall provide a written statement to the person, citing the law or regulation under which the district denied access.

Adopted: August 18, 2022

### **LEGAL REFS.:**

C.R.S. § 24-72-201

C.R.S. § 24-72-202

C.R.S. § 24-72-203

C.R.S. § 24-72-204

### **CROSS REFS.:**

ECA-R, Video Surveillance Equipment

EGAD, Copyright Compliance

EGAEA, Public Electronic Email Records

EHC, Safeguarding Personal Identifying Information

GBEE, Staff Use of Internet and Electronic Communications

GBI, Electronic Mail

GBJ, Personnel Records and Files

JRA, Student Education Records

JRA-R, Student Education Records

JRCB, Privacy and Protection of Confidential Student Information

JRCB-R, Privacy and Protection of Confidential Student Information