

# **COLORADO INFORMATION SHARING CONSORTIUM POLICY REGARDING ACCESS TO PUBLIC RECORDS**

**Adopted: December 15, 2021**

1. Introduction. This policy outlines how Colorado Information Sharing Consortium (the “CISC”) applies the Colorado Open Records Act, C.R.S. § 24-72-201, et. seq. (“CORA”), in a consistent, reliable manner. It applies to any request for public records for which the CISC is the custodian.

2. Procedure.

(a) Any CISC personnel receiving a request under the Colorado Open Records Act by mail, fax, courier, or email shall immediately forward the request to the CISC executive director, or his or her designee, as may be assigned, who shall be the custodian of CISC files and documents (the “Official Custodian”).

(b) The CISC will only accept records requests received in writing and submitted by mail, courier, or e-mail on the form provided by the CISC. The CISC will not accept record requests made via social media or by telephone. The CISC will treat a federal Freedom of Information Act request as though it were made pursuant to CORA.

(c) A request is considered “received” by the CISC on the day an e-mail, fax, or letter containing the form of request is opened. Any request received after 4:30 p.m. MST Monday-Friday, on any federally recognized holiday, or on any day the CISC office is officially closed will be considered opened as of the next working day. The CISC shall make every effort to respond to requests within three working days, as provided by C.R.S. § 24-72-203(3)(b), which shall begin the first working day following receipt of the request. The CISC may extend its response period to seven working days if it determines extenuating circumstances exist, and adequately communicates that finding in writing to the requestor within three working days of receipt of the request, as described in C.R.S § 24-72-203(3)(b).

(d) If records are stored only in a paper format, the Official Custodian will work with the requestor to schedule a reasonable time and place during normal working hours to inspect the records in person. The CISC may require that members of the public or press only view copies of documents when the Official Custodian determines that allowing access to originals could interfere with the regular discharge of duties of the CISC or its staff, or where the review of original records could jeopardize the condition of the records. Records stored in paper format shall not be removed from the premises, but may be photocopied, provided such action will not jeopardize the condition of the record, which determination shall be in the sole discretion of the Official Custodian.

(e) The CISC will not be responsible for conducting analysis of records on behalf of a requestor.

3. Protection of Confidential Information.

(a) CISC representatives tasked with providing access to records may consult with CISC legal counsel regarding the confidential status of requested records. Any redactions or removal of confidential information that the CISC is legally required or allowed to withhold, pursuant to C.R.S. § 24-72-204, must be approved by the Official Custodian upon advice of counsel, if needed.

(b) The CISC shall not provide any personally identifiable information that is confidential pursuant to a contract, state, or federal law.

(c) The CISC shall also protect the confidentiality of its Personnel Files, as that term is defined in, and in accordance with C.R.S. §§ 24-72-202(4.5) and -204 (3)(a)(II)(A).

(d) Colorado law, including C.R.S. § 24-72-204, sets out categories of records that are not open to public access and categories of records to which access may be denied by the Official Custodian. Access to records may be denied as set out in CORA or other applicable law.

4. Format for Records Produced.

(a) If a public record is stored in a digital format, whether searchable, sortable, or neither, the CISC will provide that record in the format in which it is stored.

(b) The CISC may modify the format of digital records if: providing the records in their current format would violate copyright, the terms of a licensing agreement, or would result in the release of a third-party's proprietary information; or using the current format, it is not technologically or practically feasible to remove information that the CISC is allowed or required to withhold.

5. Fees for Document Retrieval, Review and Copies of Release of Records.

(a) The first hour of staff time researching and retrieving requested records and up to 25 pages of printing will be provided for free. The CISC will charge the requestor for all copying expenses in excess of 25 pages and actual costs associated with research and retrieval in excess of one hour, in accordance with C.R.S. §§ 24-72-205(5)(a) and -205(6)(a) and this policy. If a records request requires more than mere retrieval of records (such as technical expertise to produce or reconfigure data or legal expertise from attorneys to identify how to comply with confidentiality requirements) the CISC will charge the requestor for such costs, in accordance with the guidelines herein. Any costs charged to a requestor shall not exceed the actual cost of producing the records, pursuant to C.R.S. § 24-72-205(5)(a).

(b) Prior to researching and retrieving requested records, the CISC will provide a cost estimate to the requestor, to which the requestor must agree in writing prior to the CISC beginning any work. The CISC will keep the requestor informed should any additional costs be anticipated and will not incur any additional costs without the requestor's prior consent. If the requestor does not wish to pay the fees, the CISC may suggest modifications to the request to reduce or eliminate the fees.

(c) Before researching and retrieving the requested records, the Official Custodian, in its discretion, may require a deposit from persons requesting public records in a reasonable amount not to exceed the estimated fees.

(d) Prior to producing records, the CISC will provide an invoice to the requestor of the costs due. The amount of the deposit paid will be applied to the invoice. If the deposit exceeds the amount due, the CISC will return the excess funds. The CISC may withhold records until all fees are paid in full. Persons that have outstanding balances for any previous record request must bring accounts current prior to initiating any new public record request.

(e) To ensure that the CISC responds to records requests in the most efficient manner possible, the CISC may consider all CORA requests submitted by the same requestor within three business days of each other that relate to similar records, issues, individuals, transactions, meetings, or research items and retrieval methods as a single CORA request. This may impact the fees that are due.

However, once a response to a CORA request is delivered to a requestor, that CORA request shall no longer be aggregated with subsequent CORA requests for the purposes of fee calculations.

(f) Fee may be reduced or waived by the Official Custodian if the records are to be used for a public purpose, including public agency program support, nonprofit activities, journalism, and academic research, which shall be in the Official Custodian’s sole discretion. Fee reductions and waivers shall be uniformly applied among persons who are similarly situated.

(g) As permitted by CORA, below are some of the costs the CISC will charge.

Type of Request	Cost
Records requests that exceed 25 pages	\$0.25 per page for all documents photocopied
Records requests that require oversized pages (one side of a page, larger than 11” x 17”)	Actual vendor charge
Paper, oversized or large volume (including oversized maps and photographs, as well as other documents requested in a special size, resolution, or format) sent out for creation, scanning, or copying by a third-party vendor due to limited resources or equipment	Actual vendor charge
Certified letter verifying records provided are certified copies	\$5.00
Requests that require more than one hour of staff time for retrieval of records	\$30 per hour, after the first hour
Requests that require more than mere retrieval of records, such as technical expertise to produce or reconfigure data, application of unique suppression rules, and/or legal expertise to determine how to comply with confidentiality requirements.	Hourly rate of staff member (based on salary), attorney billable hourly rate, or contractor hourly rate, as applicable.

6. Denial of Request. If the CISC denies a request for public records, in whole or in part, the CISC will provide the basis for the denial in writing to the requestor.

7. Contact. For more information, or to submit a request for records, please contact:

Colorado Information Sharing Consortium  
 c/o David Shipley, Executive Director  
 PO Box 971  
 Berthoud, CO 80513  
[dshipley@adcogov.org](mailto:dshipley@adcogov.org)  
 (970) 214-5218

[end]

**COLORADO INFORMATION SHARING CONSORTIUM  
REQUESTS FOR PUBLIC RECORDS**

Date of Request: \_\_\_\_\_

**Requestor Contact Information:**

Organization (if applicable): \_\_\_\_\_

Name: \_\_\_\_\_

Title (if applicable): \_\_\_\_\_

Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

Email: \_\_\_\_\_

Telephone: \_\_\_\_\_

**Describe with specificity the public records you are requesting (additional pages may be attached):**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Indicate the format in which you would like to receive materials (not all records are available in electronic format):**

- Letter-size copies
- Electronic (CD or DVD)
- Electronic (email)
- Other (specify: \_\_\_\_\_)
- View Only (no copies) (appropriate personnel may be scheduled to accompany you during viewing)

**Initial below to acknowledge that:**

\_\_\_\_\_ I have reviewed the Policy Regarding Access to Public Records (the “**Public Records Policy**”) adopted by the Colorado Information Sharing Consortium (the “**CISC**”) and understand it.

\_\_\_\_\_ I understand that the CISC may charge me fees with respect to this requests in accordance with its Public Records Policy and applicable law. Prior to beginning to work on my request, the CISC will provide me with an estimate of the costs and may require that I pay a deposit. The CISC may withhold any records until all fees are paid in full.

**By signing below and submitting this request to the CISC, I represent that I have the authority to sign on behalf of the organization making the request (if any).**

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_