

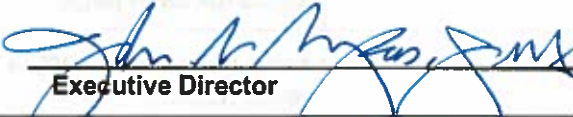





Tri-County Health Department All Divisions	Short Title: Colorado Open Records Act (CORA) Requests
Subject: Colorado Open Records Requests Policy and Procedure	Effective Date: 4/17/2012 Revision Date(s): 10/1/2017
Approved by: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;">  _____ Custodian of Records </div> <div style="text-align: center;">  _____ Date </div> </div> <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 20px;"> <div style="text-align: center;">  _____ Executive Director </div> <div style="text-align: center;">  _____ Date </div> </div>	

I. Purpose	This policy applies to all requests for public records made to the Tri-County Health Department ("TCHD"), including those made pursuant to Colorado Open Records Act, C.R.S. § 24-72-201, et seq., as amended (CORA), and other applicable law. The purpose of this policy is to assure prompt and equitable service to citizens requesting access to public records, including those records created by electronic mail, in accordance with the requirements of CORA.
II. Policy	It is the policy of TCHD to protect individual privacy, and to minimize the collection and dissemination of personally identifiable information, regardless of the source or medium. It is also the policy of TCHD to make public records available for public inspection pursuant to the requirements of CORA. This policy applies to all Divisions and Offices of TCHD.
III. Procedure(s)	<p>A. Requests for public records made pursuant to CORA must be submitted in writing with a completed TCHD CORA Request Form by hand-delivery, U.S. mail, facsimile transmission, or electronically via electronic mail transmission ("email") or through the TCHD website, and must be specific as to the records sought. If a request for records is received that is not specific as to the records sought, TCHD will ask the requesting party for a written clarification of the request.</p> <p>B. Once TCHD has received a records request with (1) a completed TCHD Open Records Request Form, (2) in sufficient specificity to determine the records sought, and (3) with all required releases, if applicable, TCHD will respond to such request within three (3) working days whenever possible. If there are "extenuating circumstances", as set for the CORA, TCHD may delay the delivery of the requested documents for an additional seven (7) working days. If the request is voluminous and would create an unnecessary interference with the regular discharge of the duties of TCHD's staff in order to comply with such request, TCHD may delay the delivery of the requested documents for an additional period of time, as reasonably determined</p>

by TCHD. TCHD shall notify the requestor in writing of any delay in the delivery of the documents beyond the typical three (3) working days.

C. Requests received after 2:00 P.M. on a day in which TCHD is open for business shall be considered to be received on the next business day.

IV. Fees

A. The charge for a paper copy of any TCHD record, including copies requested pursuant to CORA, shall be as follows:

8.5" x 11"	First 5 pages free \$0.25 for each page thereafter
11" x 17"	\$0.25 for each page
Greater than 11" x 17"	Fee not to exceed actual cost of reproduction

B. The charge for an electronic copy of any TCHD record, including copies requested pursuant to CORA, shall be as follows:

If the record exists in electronic format and is smaller than 1 Megabyte:	Via email at no charge + Data Compilation time.
If the record exists in electronic format and is larger than 1 Megabyte:	\$8.00 for a jump drive (if required) + Data Compilation time.
If the record had to be scanned:	\$8.00 for a jump drive (if required) + Data Compilation time.
If the record had to be printed and then scanned:	\$8.00 for a jump drive (if required) + Data Compilation time + paper copy fee.

C. Except as provided in Section VII, or as otherwise may be required by CORA, all electronic copies of documents shall be in .PDF format and transmitted via email, jump drive or CD based on the size of the data, and may be sent by encrypted email based on the nature of the data.

D. Copy charges for vital records or other documents, as set by Colorado statute, shall be charged at the statutory rate, and responded to through the statutory procedure, if applicable, notwithstanding the fees set forth herein.

E. The Custodian of Records has the obligation to produce a record in a format accessible to individuals with disabilities in accordance with the Americans with Disabilities Act of 1990 and CORA.

**V. Data
Compilation
Fees**

A. If a request will take more than one (1) hour to fulfill, the fee for compiling requested information, including information requested pursuant to CORA, shall be as follows:

Routine TCHD Data Compilation Time	One hour or less:	\$0
	More than one hour:	\$30 per hour

B. TCHD will charge the actual cost for any Data Compilation Time that is not routine in nature, or requires TCHD Staff with specialized skills (such as management personnel or computer specialists).

C. **Pre-Payment of Charges and Fees.** The requesting party shall be provided a cost estimate for copy charges and data compilation fees if estimated to exceed the amount of \$10.00. Pursuant to C.R.S. §24-72-205(1)(b) of CORA, the payment of copy charges and data compilation fees must be made by the requestor prior to the transmittal of the requested documents, unless other arrangements have been made for the payment of said fees, as determined by TCHD in its sole and exclusive discretion. TCHD will delay the assembly of any requested documents from a requester who has failed to pay the fees and charges from a previous request, until such time as the previous fees and charges have been paid in full.

D. **Additional Fees and Charges.** TCHD may seek reimbursement for any additional fees or expenses incurred by TCHD, not to exceed TCHD's actual cost, including, but not limited to, postage or express mailing charges, in order to comply with any request for TCHD records, including a request made pursuant to CORA.

**VI. Digital
Records**

A. Except as otherwise required by subsection (B) of this section:

(1) If a public record is stored in a digital format that is neither searchable nor sortable, TCHD shall provide a copy of the public record in a digital format.

(2) If a public record is stored in a digital format that is searchable but not sortable, TCHD shall provide a copy of the public record in a searchable format.

(3) If a public record is stored in a digital format that is sortable, TCHD shall provide a copy of the public record in a sortable format.

B. TCHD is not required to produce a public record in a searchable or sortable format in accordance with subsection (A) of this section if:

(1) Producing the record in the requested format would violate the terms of any copyright or licensing agreement between TCHD and a third party or result in the release of a third party's proprietary information; or

(2) After making reasonable inquiries, it is not technologically or practically feasible to permanently remove information that TCHD is required or allowed to withhold within the requested format, it is not technologically or practically feasible to provide a copy of the record in a searchable or sortable format, or if TCHD would be required to purchase software or create additional programming or functionality in its existing software to remove the information.

(3) If Custodian of Records is not able to comply with a request to produce a public record that is subject to disclosure in a requested format specified in subsection (A)

	<p>of this section, TCHD shall produce the record in an alternate format or issue a denial pursuant to the provisions of CORA.</p> <p>C. Altering an existing public record, or excising fields of information pursuant to this subsection [B.(3)] to remove information that the Custodian of Records is either required or permitted to withhold, does not constitute the creation of a new public record.</p>
VII. Independent Research	<p>Due to the sensitive nature of the documents kept by TCHD, independent research by a requesting party may be limited by the Custodian of Records. When independent research is appropriate, such research shall be subject to the following:</p> <ul style="list-style-type: none"> A. The record sets to be researched do not include privileged documents or documents not otherwise subject to public disclosure; B. The research is supervised to avoid loss or damage to records. Staff time spent on supervision shall apply as listed in the Data Compilation Fees section of this Policy; C. The research does not unduly disrupt the day-to-day activities of TCHD; D. The records/documents being researched are returned to the files in the same order as when they were removed.
VIII. Data Manipulation	<ul style="list-style-type: none"> A. TCHD may refuse any request requiring data manipulation on the basis that CORA does not require manipulation. B. TCHD may charge the hourly Data Compilation Fee for reports, maps, or products that are produced through the manipulation of data for the benefit of the requestor.
IX. Restricted Records	<p>Certain information in TCHD's files are not subject to disclosure under any circumstances, and others require various releases, and may only be released to certain parties (e.g. medical records and investigatory files). TCHD will inform any requester if the requested items are not subject to disclosure, or if any particular release is necessary.</p>
X. Redacted Documents.	<p>In order to protect private health information, or other information not subject to disclosure under CORA, TCHD will not release documents that contain non-disclosable information, even in a redacted format.</p>
XI. Definitions	<p>Custodian of Records is the Deputy Director of TCHD, or their designee.</p> <p>"Public records" means "all writings made, maintained, or kept by the state or any agency, institution, ... or political subdivision ... for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds." C.R.S. § 24- 72-202(6). Criminal justice records are not included in this definition.</p> <p>"Writings" include "all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials, regardless of physical form or characteristics. Writings include digitally stored data, including without limitation electronic mail messages, but does not include computer software." C.R.S. § 24-72-202(7).</p>
XII. Forms, Supporting Documents, & References	<p>TCHD Open Records Request Form</p> <p>Colorado Open Records Act, C.R.S. § 24-72-201, et seq., as Amended</p>