



AMENDED POLICY REGARDING ACCESS TO PUBLIC RECORDS

Purpose: The Eaton Area Park and Recreation District (“District”) has adopted this policy to assure prompt and reliable service to citizens requesting access to public records, regardless of the format of those records, in accordance with the requirements of the Colorado Open Records Act, C.R.S. §§ 24-72-201, *et. seq.* (“CORA”). This policy does not apply to criminal justice records, as defined in C.R.S. § 24-72-302.

Authority: The District Executive Director, or the District Executive Director’s authorized designee, is designated as the official custodian of records pursuant to CORA. C.R.S. § 24-72-203(1)(a) allows the official custodian of records to make reasonable rules and regulations with reference to the copying and inspection of public records as necessary to protect the records and prevent unnecessary interference with the regular duties of the custodian.

Background: C.R.S. § 24-72-202(6)(a) defines public records as all writings made, maintained, or kept by any local government “for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds.” The definition of public records also includes the correspondence of elected officials, except to the extent that such correspondence is: 1) a work product, 2) without a demonstrable connection to the exercise of functions required by law or administrative rule, 3) a communication from a constituent to an elected official that clearly implies by its content that the constituent expects that it is confidential in nature or subject to nondisclosure or 4) subject to nondisclosure pursuant to procedures in C.R.S. § 24-72-204(1). Additionally, C.R.S. § 24-72-202(7) defines writings to include “all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials, regardless of physical form or characteristics,” and includes “digitally stored data, including without limitation electronic mail messages, but does not include computer software.” More extensive statutory definitions may be found at C.R.S. § 24-72-202. The District maintains an archive of electronic mail messages for emergency backup purposes only; such archived electronic mail communications may not be not individually retrievable and are specifically not intended to create a public record.

Policy: The District shall make all public records available for inspection unless such records are protected from disclosure by state or federal law or by court order, or unless disclosure of such records would be contrary to the public interest.

All requests for inspection of public records shall be made in writing and on the form provided by the District. The official custodian of records shall, within three (3) working days of the date the request is made, either set a date, time and on-site location where the records may be inspected or provide copies of the records to the requestor. In the case of a request received by U.S. Postal mail, electronic mail, or facsimile, the official custodian of records shall respond within three (3) working days of receipt of the request. Such period may be extended if extenuating circumstances exist (per C.R.S. § 24-72-203(3)(b)), but the extension period shall not exceed seven (7) additional working days. If a deposit is required, the request is not considered received until the deposit is paid. Notwithstanding the foregoing, the response deadlines set forth above (three (3) working days and seven (7) working days) shall be automatically extended if CORA is amended after the adoption of this policy to provide for longer response periods.



If a record contains both public and confidential material, the District is not required to redact confidential material in order to comply with a request for the record. However, the official custodian of records may agree to provide redacted records provided that the requestor pays for the redaction time as part of the fee applicable to research and retrieval of documents.

With respect to records kept only in miniaturized or digital form, the official custodian of records may take measures necessary to assist the public in copying or inspecting any specific public record without unreasonable delay or cost. At the sole discretion of the official custodian of records, such efforts may include, but are not limited to, providing portable disk copies or computer files, referring the requestor to the District's website, providing hard copy printouts, or providing the requested records in any other format deemed appropriate by the custodian. In any event, the official custodian of records shall make public records stored in a digital format available as provided in C.R.S. § 24-72-203, as amended.

Fees and Charges: The District shall charge for copies requested in the amount of twenty-five cents (\$0.25) per page in standard size and format. The charge for providing a copy, printout or photograph of a public record in a format other than a standard page will be assessed at the actual cost of production. The District shall provide the first hour of research and retrieval time free of charge and shall charge Forty-One Dollars and Thirty-Seven Cents (\$41.37) per hour for research and retrieval time thereafter expended in increments of fifteen (15) minutes, which hourly fee shall be adjusted every five years in accordance with C.R.S. § 24-72-205(6)(b).

The District shall also charge a fee for any manipulation of data needed to generate a record in a form or format not used by the District. This fee shall not exceed the actual cost of manipulating said data and generating the record. Persons making a subsequent request for the same record shall be charged the same fee. If the requested public record is a result of computer output other than word processing, the fee for a copy, printout, or photograph will be based on the actual incremental costs of providing the electronic services and products together with a reasonable portion of the costs associated with building and maintaining the information system.

Data kept by the District but generated by a third party shall be charged at the actual cost paid to the third party, in addition to other applicable charges.

If the District estimates that the request will have a total charge of Twenty Dollars (\$20.00) or more, the District may require the requestor to provide a deposit of one-half the estimated amount if the requestor lives within the District limits or one hundred percent (100%) of the estimated amount if the requestor lives outside District limits. This deposit shall be credited toward the total fee, and the total fee shall be paid prior to release of the requested records. In the event the deposit amount exceeds the actual costs, the balance shall be refunded within thirty (30) days.

This Policy was adopted by the Board of Directors of the Eaton Area Park and Recreation District on February 19, 2025, by *Resolution Adopting Eaton Area Park and Recreation District Amended Policy Regarding Access to Public Records*.