

Peyton Fire Protection District
POLICY AND PROCEDURES REGARDING ACCESS TO PUBLIC RECORDS
PURSUANT TO THE COLORADO OPEN RECORDS ACT
Adopted: January 12, 2010

I. POLICY

It shall be the policy of the Peyton Fire Protection District to make all public records available for public inspection at reasonable times in accordance with the Colorado Open Records Act (“the Act”), § 24-72-201, *et seq.*, C.R.S.

II. PURPOSE

2.1 The primary purpose of this policy is to set forth general procedures for providing District-wide, consistent, prompt and equitable service to citizens requesting access to public records in accordance with the requirements of the Colorado Open Records Act. The purpose of the Act is to facilitate an open and accessible government. The public has a right to know how its taxes are spent, and most documents in municipal government address the spending of taxpayers’ funds in some way. The Act sets forth categories of documents to which the official custodian of records *shall allow* public access, documents to which the official custodian *shall deny* access, and documents to which the official custodian *may deny* access. If a court finds that denial of access to the document was arbitrary and capricious, the court may order that the District pay the applicant’s court costs and attorney fees in an amount to be determined by the court.

2.2 The secondary purpose of this policy is to establish reasonable and consistent fees for providing copies as authorized by the Act and to recover the cost of staff time for responding to public records requests.

III. SCOPE

This policy shall apply to all District records and copies of information requested or released with the exception of records covered under the Criminal Justice Records Act.

IV. DEFINITIONS

The definitions found in § 24-72-202, C.R.S., as amended from time to time, shall apply unless the context clearly requires a different meaning.

V. PROCEDURES

5.1 The District Secretary is the official custodian of all records which are centrally maintained by the District. The District Fire Chief is the official custodian of all records maintained within the department.

5.2 Citizens shall make formal written requests to the official custodian for copies of public records. The custodian will make reasonable efforts to fill such requests immediately, within the time required by state statute (three days which can be extended by seven additional working days in extenuating circumstances per § 24-72-203(3)(b), C.R.S.). Open records requests are **required** to be in writing and made on the form provided by the District Secretary.

5.3 If the written request cannot be filled immediately, or if the records are otherwise not readily available at the time the request is made, the custodian will set a date and time for records inspection that is within three working days of the date on which the request was made. Such period may be extended if extenuating circumstances exist (per § 24-72-203(3)(b), C.R.S.), but the total time, including the extension period, will not exceed ten working days from the date on which the request was made.

VI. CHARGES

6.1 Reasonable charges shall be made for any copies requested. Such charges shall be reflective of the actual costs of reproduction. The reproduction fee shall not exceed **twenty-five cents per standard page** for a copy of a public record, or a fee not to exceed the actual cost of providing a copy, printout, or photograph of a public record in a format other than a standard page. The District shall also include nominal charges for staff time in locating requested documents and in returning them to their proper location after reproduction. **Cost for staff time shall be billed at \$35 per hour, with a minimum of one hour.** A time-log, describing the time spent responding to a request, shall be maintained for staff time in excess of one hour.

6.2 On occasion, a request for public records will require more extensive research to locate a particular document or documents and/or to manipulate or redact documents to allow their release. While the District has a clear obligation to provide public records and information, it cannot effectively serve as a research service for citizens without affecting its ability to provide normal and usual services. Therefore, The District shall charge for additional staff required to respond to the open records request.

6.2.1 Payment shall be made by **CASH** or **MONEY ORDER** only.

6.3 The District does not charge for:

6.3.1 Requests from members of the District Board, or other staff performing District business. Exception: The District will charge for election materials requested by incumbent officials who are running for office to ensure equal treatment of all candidates.

6.3.2 Election materials requested by any citizen except for reimbursement of costs incurred by the District in obtaining such materials when such records are maintained by other governmental entities.

VII. ACCESS DENIED

7.1 Access to public records may be denied in accordance with the provisions of the Act.

Inspection of the following public records may not be permitted:

7.1.1 Items Protected by Law: If, upon consultation with the Districts' Attorney, it is determined that the document is privileged or prohibited from disclosure under any ordinance, state statute, federal statute, or regulation issued there under or is prohibited by rules promulgated by the order of any court.

This includes items such as:

- Personnel files, including social security numbers, home address and telephone numbers, and medical, psychological, and sociological data;
- Scholastic achievement data;
- Test questions and scoring keys;
- Sexual harassment investigations;
- Work product and drafts;
- Deliberative process materials;
- Letters of reference;
- Identities of career applicants, except finalists, for position of Fire Chief;
- Investigatory files compiled for any law enforcement purpose;
- Addresses, telephone numbers, or financial data of past or present users of public utilities, public facilities or recreational or cultural services;
- Trade secrets, privileged information, and confidential commercial, financial, geological, or geophysical data obtained by the District from any person.
- Correspondence between the District Board and constituents where it is clear that there was an expectation of confidentiality.

7.1.2 Attorney/client and work product communications that convey legal advice:

Communications to or from the District's Attorney's Office or other special counsel representing the District and anyone within the District organization, should not be released without the consent of the client, that is the District Board or to any individuals other than those to whom the communication was directed.

7.1.3 Public Interest: If, in the opinion of the records custodian, disclosure of the contents of any public records would do substantial injury to the public interest, even though such record is otherwise available for public inspection under the provisions of this policy, the records custodian may deny access to such public records. If any public records are withheld pursuant to deliberative process privilege, the custodian shall provide the applicant with a sworn statement specifically describing each document withheld, explaining each document withheld, explaining why each such document is privileged, and why disclosure would cause substantial injury to the public interest.

7.1.4 Release decision: All of the above-mentioned categories of documents that are privileged or prohibited from disclosure may be released when there is a waiver submitted by the person of interest and after consultation and approval of the District's Attorney's office.

VIII. CONSTRUCTION AND INTERPRETATION

Citizens who have questions concerning the interpretation or application of this policy should be directed to the President of the Board of Directors.

IX. EXCEPTIONS/CHANGE

This policy supersedes all previous policies covering the same or similar topics. Exceptions to this policy may be granted only by the Fire Protection District's Board of Directors. This policy may be reviewed and changed at any time.

Peyton Fire Protection District
Request for Information Pursuant to the Peyton Fire Protection District Policy and Procedures
Regarding Access to Public
Records Pursuant to the Colorado Open Records Act

Date of Request: _____
Time: _____
Name of Requesting Party: _____
Address: _____
Email: _____
Telephone Number: _____
FAX #: _____

Please select the format in which you would like to receive materials:

View only, no copies requested. _____
(Appropriate personnel will be scheduled to accompany you during viewing)

Hard copies/printouts, CD*, email*: _____

*not all documents are available electronically. Data manipulation fees may apply.

SPECIFIC RECORDS REQUESTED: _____

By signing this request, the requesting party acknowledges that, pursuant to Article VI of the District's Policy and Procedures Regarding Access to Public Records Pursuant to the Colorado Open Records Act, the requesting party understands that reasonable charges may be made for copies requested and that additional charges may be made for additional staff when extensive research is necessary to locate a particular document or documents and/or to prepare a documents for release.

Signature of requesting party: _____

(Following to be completed by a District Representative)

Response date: _____
Response time: _____
Method of Delivery: _____
Number of Copies (if any): _____
Charge for copies : _____
Staff charge: _____
Additional Staff charge: _____

TOTAL AMOUNT PAID: _____

In the event the District denies any request, evidence of such denial and the basis therefore will be provided in writing to the requesting party.

Peyton Fire Protection Staff Signature: _____