



# Open Records Request Policy

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## Open Records Request Policy

Transparency and full disclosure is a Town of Castle Rock value. Through the Colorado Open Records Act, the Town works to ensure records are accessible and readily available to our citizens, promoting transparency and trust in government.

*\*This policy does not apply to criminal justice records; such requests should be directed to the Police Department Records Division.*

### Purpose

The purpose of this policy is to define the public records request procedure for the Town of Castle Rock.

- The Town Clerk's office, as the official custodian of Town records, facilitates all public record requests in accordance with the Colorado Open Records Act (CORA)
- As custodian, the Clerk's office has an obligation to provide for the consistent, prompt and equitable service to those requesting access to public records

### How to Submit an Open Records Request

- Requests for public records are initiated by utilizing the Town of Castle Rock Open Records Request Portal on our website <http://crgov.com/2307/Open-Records>
- To create a new account your first, last name and email address is required
- Records provided in response to a request will be made available to view or download within your account
- All communication with the Town is accomplished within your account
  - ✓ Log in to your account and click on your request
  - ✓ Click on 'Details' and scroll down to 'New Message'
  - ✓ Communicate with the Clerk's office or respond with requested information

If a records request is submitted to the Town by email, the requestor will be directed to create an account and submit their request through the Town of Castle Rock Open Records Request Portal.

## Timeline

- Record requests are deemed received the same date if submitted during normal business hours of 8 – 5 pm. Monday through Friday
- Requests received outside of normal business hours or business days are deemed received no earlier than the next business day
- Working days do not include Town observed holidays, weather closure days or time outside of regular business hours
- Record requests are typically completed within three business days
- The three-day period begins the following business day after the request has been received
- The initial three-day period may be extended by an additional seven business days if extenuating circumstances exist. Notification of an extension will be received in your Town of Castle Rock Open Records Request Portal account within the initial three business day response period
- If a deposit is required, the three business day response period begins the next business day after remittance

## Process

Upon receipt of an online records request, the Town Clerk's office will coordinate with Town departments to facilitate the retrieval of the records responsive to the request.

- Record requests are typically completed within three business days
- Prior to release, records will be reviewed by the Town Clerk's office determining the required redaction of confidential or personally identifiable information
- Records identified as specific exceptions set forth in the Colorado Open Records Act, in other state laws, federal law or court order are exempt from disclosure
- If deemed applicable, the Town of Castle Rock legal department may also review the requested records

## Record Requests Broad in Scope

Requests submitted that are broad in scope or lacking specificity will result in a delay and will require additional clarification prior to processing.

- The Clerk's office will correspond with the requestor through their account within the Town of Castle Rock Open Records Request Portal
- The request is considered tolling until such time that the requestor provides the Town the additional clarification requested

- If the Town anticipates the necessary response time to provide the requested records will exceed one hour, the Town will provide an estimate of applicable fees
- Applicable fees are invoiced at \$33.58 per hour as authorized by state statute. An estimate of time required for research and retrieval of requested records will be provided to the requestors account within the Town of Castle Rock Open Records Request Portal
- Requestor may respond approving the time estimate. Upon requestor approval, an invoice for the required 50% deposit of estimated fees will be delivered within their account. Remittance of the deposit fee thereby authorizes Town staff to continue processing the request as submitted
- Requestor may revise or narrow the scope of the original request to possibly reduce or eliminate applicable fees. Requestor will communicate this direction to the Town through their account, at which time a new estimate of applicable fees will be emailed to the requestor within their account
- Requestor may withdraw or abandon their request, communicating this direction to the Town through their account. Work will cease and the request will be closed
- If no response is received from the requestor providing additional clarification or confirming the intent to proceed or revise the request, the Town will provide a final notification to requestor. After 10 days from the date of notice, the request will be deemed abandoned and withdrawn for lack of response
- Fees are estimated, if the actual time expended exceeds the prior estimate of fees, the remaining balance will be adjusted reflecting the additional fees assessed and is payable in full prior to records release
- If estimated fees exceed the actual time expended, the remaining balance fees will be adjusted
- All applicable fees must be paid in full prior to records release
- Credit card processing fees are applicable
- The three business day response period begins the next business day after payment is processed

### On-site records inspection

- Prior to records review all applicable fees must be paid in full
- The clerk's office will facilitate appointment with requestor to view the records within seven business days
- Records will be available for review at Townhall
- The Clerk's designee will be present during the records review
- Requestor may not take pictures of documents or remove documents from premises

- If requestor fails to appear for the scheduled review appointment and does not re-schedule the appointment within seven business days, the request is considered abandoned and closed and fees may be forfeited
- Fees are applicable for providing copies of the records requested per the schedule

## RFP or Bid Solicitation Records

Responses to Requests for Proposals (RFP's) or open bid solicitations posted by the Town are considered public records.

The Town of Castle Rock utilizes the Rocky Mountain E-Purchasing System and record requests for information publicly available on this website will be directed there in satisfaction of the records request.

Trade secrets or confidential commercial and financial data specifically identified 'confidential' by the entity will be withheld from release under CORA.

## CORA Defined

The Colorado Open Records Act (CORA) is applicable to providing public records or documents already in existence.

- The Town is not obligated to create a record to respond to a records request
- The Town is not obligated to answer questions, only provide records
- Data is not manipulated or provided in a custom format. Records are released electronically as a pdf or the native record format
- Record requests for future records i.e., requests for information on a subsequent continuing or periodic basis, is not allowed
- Record requests broad in scope or voluminous in nature may result in a time extension of an additional seven business days for processing
- Record requests received for documents publicly available on the Town or third party websites will be directed to the applicable website in satisfaction of the request
- Requests for subsequent records in response to documents previously provided by the Town require a new records request submission
- Multiple requests from the same individual, entity or group for records related to the same or similar subject matter will be treated as a single request for purposes of assessing applicable fees
- Requests by individuals or parties related to litigation with the Town of Castle Rock may not supplant the discovery process by submitting public records requests to the Town. Such requests will be denied

- If records requested are not in the custody or control of the Town Clerk, the Clerk shall notify the requestor the reason for the absence of such records or the location, custody and/or control of records, if known within the initial three-day period
- Email correspondence released as public records will be provided in electronic format unless otherwise stipulated
- Any portion of a records request, containing non-public information will be redacted prior to release by the Town Clerk's office

## Definition of Public Record

Public records means and includes all writings made, maintained, or kept by the state, any agency, institution, a nonprofit corporation incorporated pursuant to section 23-5-121 (2), C.R.S., or political subdivision of the state, or that are described in section 29-1-902, C.R.S., and held by any local-government-financed entity for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds. "Public records" includes the correspondence of elected officials, except to the extent that such correspondence is:

- Work product
- Without a demonstrable connection to the exercise of functions required or authorized by law or administrative rule and does not involve the receipt or expenditure of public funds
- A communication from a constituent to an elected official that clearly implies by its nature or content that the constituent expects that it is confidential or that is communicated for the purpose of requesting that the elected official render assistance or information relating to a personal and private matter that is not publicly known affecting the constituent or a communication from the elected official in response to such a communication from a constituent
- Subject to nondisclosure as required in section 24-72-204 (1)

## Exempt Records

If disclosure is prohibited by court order, is contrary to state or federal law or regulation, or the public interest, records are considered exempt. Denial of a records request will set forth notification with specificity the grounds for denial or withholding of records within the three-day response period. This notification will be received within your Town of Castle Rock Open Records Request Portal account. Examples would include:

- Work product prepared for elected officials
- Proprietary information or trade secrets
- Employee personnel files
- Attorney client privileged communications

## Fee Schedule

The Town of Castle Rock is authorized by state statute to charge requestors fees for research, retrieval, review and redaction efforts incurred in processing a public records request.

- The first hour of time expended by Town staff will be waived
- If the Town anticipates processing the records request will exceed one hour, the Town will provide an estimate of applicable fees to the requestor's account within the Town of Castle Rock Open Records Request Portal
- Applicable fees are invoiced at \$33.58 per hour as authorized by state statute
- Files stored at an off-site vendor location are subject to a per-box retrieval fee
- Fees must be paid in full prior to the records release

## Fees

Research, retrieval, review & redaction efforts	\$33.58 per hour *first (1) hour is waived
Certified copies	\$3.00 per page
Paper copies	\$.25 per 8 1/2 X 11 single sided page after 20 pages
Postage & mailing costs	Actual costs incurred