

# El Paso County Public Health Open Records Act Policy

*The El Paso County Public Health Open Records Act Policy is aligned with the El Paso County Open Records Act Compliance Policy.*

- I. **General Policy:** It is the policy of El Paso County Public Health to make public records available for public inspection as set forth in the Colorado Open Records Act, C.R.S. § 24-72-201, et seq. ("CORA").
- II. **Purpose:** 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 the Colorado Open Records Act, C.R.S. § 24-72-201, et seq. This policy does not apply to criminal justice records or public records maintained by appointed or elected officials unless adopted by said appointed or elected official.
- III. **Scope:** This policy applies to all requests for public records made to El Paso County Public Health and its divisions and programs.
- IV. **Definitions:** The definitions found in C.R.S. § 24-72-202, as amended from time to time, shall apply herein. Of particular importance, the following terms shall have the following designated meanings:
  - a. **"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.
  - b. **"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).

## Policies and Procedures

- A. **Request:** Unless otherwise named by the El Paso County Public Health Executive Director, the Communications and Public Relations Manager, hereinafter referred to as the ("Manager), or his/her designee, is the official custodian of all records that the El Paso County Public Health maintains, unless otherwise prescribed by law. Division directors and managers are the actual, physical custodians of all records maintained within their divisions and programs. It is the responsibility of each

division director and manager to become familiar with and to educate his/her affected employees about the standards and requirements of this policy.

The Manager may be reached at: (719) 578-3199 during normal business hours.

If such request relates to producing a media story, it should be referred to the Manager to determine if the documents requested can be provided outside of a CORA request.

All CORA requests must be formally submitted before processing. Requests can be filed through e-mail to the manager or his/her designee, or through other common communication methods as outlined on El Paso County Public Health's website.

El Paso County Public Health will respond to requests made pursuant to CORA within three (3) working days after the date of receipt unless extenuating circumstances apply. If extenuating circumstances apply, then the custodian of the records will notify the requester, in writing, that access for inspection or delivery may be delayed pursuant to C.R.S. §24-72-203(3)(b).

**B. Inspection of public records:**

1. In order to safeguard the integrity of El Paso County Public Health's records, the Manager or designated custodian of records to be inspected shall retain control of the records at all times. Inspection of all public records is subject to the supervision of the records custodian. Inspection of public records will generally be scheduled during the business hours of 9:00 a.m. until 12:00 noon and 1:00 p.m. to 4:00 p.m., Monday through Friday, except on County-observed holidays or closure due to inclement weather or likewise circumstances.
2. Please note, El Paso County Public Health may require that members of the public be allowed to inspect only copies of documents when the custodian of records determines that allowing access to originals could interfere with the regular discharge of duties of El Paso County Public Health or its staff or production of original records could jeopardize the condition of the requested records.
3. Requesters who have not come in to view the requested information within ten (10) working days of being notified that the records are available for review will be required to submit a new public records request.

4. If fees are charged pursuant to Section D of this policy, then transmittal of the requested records shall occur only after payment, or an acceptable payment arrangement, is made.

C. Denial of Inspection: Access to public records may be denied in accordance with the provisions of CORA. For example, many Public Health records are protected by the Health Insurance Portability Protection Act (HIPPA) and other federal and state laws. If requested by the applicant, the custodian of the records will notify the applicant in writing of the grounds for the denial.

D. Fees and Charges: Fees and charges for public records shall be as follows:

1. Copies and Research and Retrieval

- a. Every effort will be made by the custodian to furnish electronic copies of documents to avoid charging copying, printing, or disk reproduction charges.
- b. The fee for a paper copy of any public El Paso County Public Health record, including copies requested pursuant to CORA, shall be as follows:

8.5" by 11"	First ten pages free \$0.25 for each page after the first ten pages
11" by 17"	\$0.25 for each page
Greater than 11" by 17"	Fee not to exceed the actual cost of reproduction
Certified Copies	\$1.00 per document
Color Copies and Photographs	Fee not to exceed the actual cost of reproduction

- c. The fee for an electronic copy of any public El Paso County Public Health record, including copies requested pursuant to CORA, shall be as follows:

If the record exists in electronic format	Actual Cost for CD/DVD or thumb drive (if required) + Research/Retrieval Time
If the record had to be scanned	Actual Cost for CD/DVD or thumb drive (if required) + Research/Retrieval Time

If the record had to be printed and then scanned	Actual Cost for CD/DVD or thumb drive (if required) + Research/Retrieval Time + paper copy fee
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d. If the request will take more than two hours to fulfill, the fee for researching, retrieving, reviewing, and, if necessary, redacting requested information, shall be as follows:

El Paso County Public Health Research and Retrieval	2 hour or less	\$0
	Greater than 2 hours	\$29.50 / hour

## 2. Data Manipulation

- a. The Manager or designated custodian of records may set a fee for reports, maps, or products that are produced through the manipulation of data for the benefit of the requester.
- b. Any records custodian may refuse any request requiring data manipulation on the basis that CORA does not require manipulation.

## 3. Advance Payment

- a. Any records custodian may require and collect a 50% advance deposit of estimated research, retrieval and copy fees for public records requests that will require significant staff time and resources to complete. A records custodian may require and collect 100% advance deposit of estimated research, retrieval, and copy fees for public records requests from any person who has made a previous retrieval request and not paid or not come in to view the requested information.
- b. In the event advanced payment is requested and the request is voluminous requiring several hours of staff time, El Paso County Public Health may refrain from researching and retrieving such a request until an advance deposit is received.
- c. El Paso County Public Health reserves the right to consider a request abandoned if the requester does not respond to messages communicating a price quote or respond to requests for additional information or clarification from staff within ten (10) business days.

d. All requesters should expect to be charged for requests which take longer than two hours to fulfill. Fees may only be waived in extreme, compelling, and rare circumstances after consultation with the El Paso County Public Health attorney.

#### 4. Searchable and Sortable Data

a. Any records custodian shall follow the provisions of C.R.S. 24-72-203(3.5) as it relates to requested public records stored in a native digital format which may be searchable, sortable, or both.

#### E. Research by Requester

Independent research by the requesting party is allowed at the discretion of the custodian provided that:

1. The records set to be researched do not include privileged documents or documents not otherwise subject to public disclosure as provided by law;
2. The research is supervised to avoid loss or damage to records. Staff time spent on supervision shall be subject to the research and retrieval fee provided above;
3. The research does not unduly disrupt the day-to-day activities of the department or office; and
4. The records/documents being researched are returned to the files in the same order as when they were removed.