

PUBLIC RECORDS POLICY

I. PURPOSE OF POLICY

The Office of Public Guardianship (“OPG”) is committed to transparency. The following policy has been developed in order to implement the Colorado Open Records Act (“CORA”) (§§ 24-72-201 to 206, C.R.S.). It is designed to help the OPG balance the statutory requirements of the CORA and the protections afforded to information that must be kept confidential by law. This policy helps ensure the OPG complies in all respects with the CORA and sets forth the procedure the OPG will follow in response to requests for public records.

II. OPG PROCEDURE FOR HANDLING RECORDS REQUESTS

Requests in Writing. The OPG will only accept records requests made in writing or electronically via e-mail or fax. The OPG will not accept records requests made over the telephone or via social media. Requests should be directed to the OPG Director at the address, e-mail address, or fax number listed on the OPG website. Records requests that cite the federal Freedom of Information Act will be treated as though they were made pursuant to the CORA.

Time to Respond. When responding to a request for public records under the CORA, the OPG will make every effort to respond within three working days as required by § 24-72-203(3)(b), C.R.S. The three working-day response time begins the first working day following receipt of the request. A request received after noon or any day the OPG is officially closed will be considered received as of the following working day. The OPG may add an extension up to seven working days if extenuating circumstances apply as described in § 24-72-203(3)(b), C.R.S. The OPG will provide all findings of extenuating circumstances to the requestor in writing.

Notification of Commission. The OPG is subject to the oversight of the Office of Public Guardianship Commission (“Commission”) pursuant to § 13-94-104(3), C.R.S. In order to keep the Commission informed of public records requests, the OPG will notify the Chair of the Commission prior to responding to the person requesting the records.

Clarifying Requests. The OPG may contact the requestor in an attempt to clarify or narrow a request. While not required, requestors may want to provide phone and e-mail contact information to facilitate communication regarding the request. Providing specific and narrow information about the nature of documents requested can help limit the cost to the requestor.

Exceptions to CORA. No employee of the OPG may modify, redact or omit any records they are required to provide, pursuant to this policy, to the OPG Director or his or her designee handling the request. However, some confidential information is not subject to public inspection, and will be redacted or withheld, pursuant to §§ 24-72-204, C.R.S. Redactions and decisions about whether a record falls under an exemption to the CORA will be made by the OPG Director in

consultation with the Colorado Attorney General's Office. Staff should never assume a document is exempt and should always consult the OPG Director before making a final determination.

Format of Records Produced. When feasible, the OPG will endeavor to provide electronic copies of files to requestors if such alternative is significantly less burdensome to provide than paper copies. When responsive records cannot be easily or cost effectively provided electronically to a requestor, the OPG will work with the requestor to schedule a time to inspect the records in person. The OPG is open from 8 a.m. to 5 p.m., Monday through Friday, except state holidays. The OPG Director may grant exceptions where the requestor or the records produced require special accommodations.

Abandoned Requests. If the OPG attempts to contact a requestor to clarify a request or discuss the scope of a request and the requestor does not respond within ten business days, the OPG will close the request and require the requestor to submit a new records request. The OPG will hold records assembled in response to a CORA request for no more than ten business days after the requestor has been notified that the records are available for inspection or pick-up. The holding period may be shorter for records which are needed for any use. Failure to inspect or pick-up the records within this timeframe will be considered an abandoned request, and the request will be automatically closed.

III. FEES FOR COPIES AND STAFF TIME

When a request requires the production of more than 25 pages of documents or more than one hour of staff time to locate or produce records, the OPG will charge the requestor for all copying expenses and for staff time in accordance with §§ 24-72-205(5)(a) and 24-72-306, C.R.S., and other applicable law. Any cost charged to a requestor shall not exceed the actual cost of producing the records, in accordance with § 24-72-205(5)(a), C.R.S. and applicable law.

When the OPG anticipates that more than 25 pages will be produced and/or more than one hour of staff time will be required, the OPG will provide a cost estimate to the requestor. The cost estimate will include the estimated time for staff to search for, retrieve, redact, assemble and transmit the records. in accordance with the following table. In extraordinary circumstances, the use of a third-party contractor may be necessary and will be discussed with the requestor in advance. The requestor must approve the cost estimate before the OPG will begin work on fulfilling the records request. The timeframe the OPG has to complete the request will be tolled between providing the cost estimate to the requestor and the requestor approving the cost estimate.

When the number of pages produced in response to a records request exceeds 25 pages, the OPG will charge \$0.25 per page for all documents copied.

When researching the location of a document, retrieving or producing records consumes more than one hour of staff time, the OPG shall charge \$20 an hour for all staff time. An hourly rate not to exceed \$33.58 an hour when specialized document production or specialized skills are

required to fully comply with a records request. In extraordinary circumstance, the use of a third-party contractor may be necessary and will be discussed with the requestor in advance.

The requestor shall also be charged \$33.58 an hour for time spent by an attorney engaged in the practice of law directly related to a records request, including but not limited to, the review of documents for privilege or other exemptions to production; document redaction; creation of documents that articulate the privileged nature of the requested documents or conducting CORA related legal research.

Payment is due within 30 days of the invoice date. Past due amounts will be referred to collections.