



## Open Records Request Policy

Adopted: January 1, 2013

Revised: May 6, 2014

Statutory Reference: Colorado Open Records Act, C.R.S. §24-72-201 et. seq. ("CORA")

### A. Applicability

1. This policy applies to all requests for Northeast Colorado Health Department (NCHD) public records, including those made pursuant to CORA.
2. This policy applies to all NCHD Divisions/Offices

### B. Requests for Public Records under CORA

1. Requests for public records made pursuant to CORA must be submitted in writing with a completed NCHD Open Records Request Form, by hand delivery, U.S. mail, facsimile transmission, or e-mail, and must be specific as to the records sought. If a request for records is received that is not specific as to the records sought, NCHD will ask the requesting party for clarification of the request.
2. Once NCHD has received a records request with (1) a completed NCHD Open Records Request Form, (2) sufficient specificity to determine the records sought, and (3) with all required releases, if applicable, NCHD will respond to such a request within 3 working days whenever possible. If there are "extenuating circumstances," as set forth in CORA, NCHD may delay the delivery of the requested documents for an additional 7 working days. If the request is voluminous and would create an unnecessary interference with the regular discharge of the duties of NCHD's staff in order to comply with such request, NCHD may delay the delivery of the requested documents for an additional period of time, as reasonably determined by NCHD. NCHD shall notify the requestor in writing of any delay in the delivery of the documents beyond the typical 3 working days.

### C. Fees

In order to keep fees at a minimum for both parties, NCHD will deliver records requests in electronic format by e-mail whenever possible.

#### 1. Copy Charges

- a. The charge for a paper copy of any NCHD record, including copies requested pursuant to CORA shall be as follows:

-8.5" x 11": First 10 pages are free, a fee of 25¢ for each page after the first 10 pages will be applied.

-11" x 17": 25¢ for each page

b. The charge for an electronic copy of any NCHD record, including copies requested pursuant to CORA, shall be as follows:

-If the record exists in electronic format and can be e-mailed: No charge

-If the record has to be scanned but can be e-mailed in electronic format: No charge

-If the record has to be printed and then scanned and e-mailed in electronic format: No charge for the first 10 pages printed, a fee of 25¢ for each page after the first 10 pages will be applied.

-If a CD of the information is requested a charge of \$1 per CD will be added

c. Unless pre-approved by the Public Health Director, all electronic copies of documents shall be provided in PDF format, and transmitted via e-mail, so as to protect the integrity of the data contained therein.

d. Copy charges for vital records, or other documents that are set by Colorado statute, shall be charged at the statutory rate, notwithstanding the fees set forth herein.

## **2. Data Compilation Time Fees**

a. If a request will take more than an hour to fulfill, the fee for compiling requested information, including information requested pursuant to CORA, shall be as follows:

-One hour or less: No charge

-More than one hour: \$25 per hour

b. NCHD will charge the actual cost for providing existing data, that is not routine in nature, or requires NCHD staff with specialized skills (such as management personnel or computer specialists).

c. The Custodian of Record's time shall not be included in the data compilation cost.

## **3. Data Manipulation**

a. NCHD may refuse any request requiring data manipulation or analysis on the basis that CORA does not require data manipulation or analysis.

b. NCHD may charge the hourly Data Compilation Fee for reports, maps, or products that are produced through the manipulation of data for the benefit of the requestor.

## **4. Pre-Payment of Charges and Fees.**

The requesting party shall be provided a cost estimate for copy charges and data compilation fees upon request, and at the sole and exclusive discretion of NCHD, may be required to pay all or a portion of said charges and fees in advance, prior to compiling the information. NCHD will hold the delivery of any requested documents from a requester who has failed to pay fees and charges from a previous request, until such time said fees and charges have been paid.

#### **5. Additional Fees and Charges**

NCHD may seek reimbursement for any additional fees or expenses incurred by NCHD, not to exceed NCHD's cost, including, but not limited to, postage or express mailing charges, in order to comply with any request for NCHD records, including a request made pursuant to CORA.

#### **D. Research by Requestor**

Due to the sensitive nature of the documents kept by NCHD, independent research by the requesting party is generally not allowed. In the rare instance in which independent research is appropriate, and approved by the Public Health Director, such research shall be subject to the following:

1. The records sets to be researched may not include privileged documents or documents not otherwise subject to public disclosure;
2. The research shall be supervised to avoid loss or damage to records. Staff time spent on supervision shall apply as listed in the Data Compilation section of this policy;
3. The research shall not unduly disrupt the day-to-day activities of NCHD; and
4. The records/documents being researched shall be returned to the files in the same order as when they were removed.

#### **E. Redacted Documents**

In order to protect private health information, or other information not subject to disclosure under CORA, NCHD may or may not release documents that contain non-disclosable information, in a redacted format.

#### **F. Private Health Information, Vital Records, and Investigatory Files**

Certain information in NCHD's files are not subject to disclosure under any circumstances, and others require various release, and may only be released to certain parties (e.g. medical records and investigatory files). NCHD will inform any requester if the requested items are not subject to disclosure, or if any particular releases are necessary.

#### **G. Compliance Complaint Forms**

When filing or following up with complaints it is NCHD's policy to consider the source to assist with determination of validity (i.e. disgruntled employee/client). We also consider if anything of public health significance is gained by releasing the name of the complainant and generally err on not disclosing that information. While it is NCHD's policy not to voluntarily release the identity of complainants; NCHD does not guarantee the anonymity and confidentiality of persons complaining of violations. Complainants should be aware that NCHD may be required to release this information under court order.

#### **H. Open Records Retention Policy**

Many open records housed at NCHD are subject to different retention schedules which are often program-specific. For that reason, the requesting of dated records will be handled on a case-by-case basis according to the Records Management Manual for Colorado Special Districts, Colorado State Archives and/or federal or state contract requirements.

In the case of regular monthly meetings of the Northeast Colorado Board of Health, each meeting is electronically recorded and written minutes are prepared from those recordings. The written minutes are NCHD's official record of minutes, and all electronic recordings are discarded after six months per the Records Management Manual for Colorado Special Districts, Colorado State Archives. Open Records requests that pertain to Board of Health minutes that are no longer available as an audio recording will be provided in transcribed form only.