



COLORADO

Office of Economic Development
& International Trade

COLORADO OPEN RECORDS ACT POLICY FOR THE COLORADO OFFICE OF ECONOMIC DEVELOPMENT AND INTERNATIONAL TRADE

The Colorado Office of Economic Development and International Trade (“OEDIT”) is committed to transparency and open government. The following policy specifies how the Colorado Open Records Act (“CORA”) (§ 24-72-201 to 206, C.R.S.) will be applied in a uniform and reliable manner.¹ This policy will help ensure OEDIT complies in all respects with CORA and meets all constitutional and statutory duties to the people of Colorado in an orderly and expeditious manner. This policy is not intended to be duplicative of CORA or supersede state law.

This policy applies to OEDIT only. This policy applies solely to records requests where OEDIT is the custodian of records pursuant to CORA. Other state agencies may have different CORA policies.

Office procedure for handling records requests

All records requests made of OEDIT by mail, fax, courier, e-mail or other means shall be immediately provided to the Communications Manager. All records that may be responsive to specific requests for information must be provided to the Communications Manager as soon as possible. The Communications Manager will respond to all CORA requests except in extraordinary circumstances.

OEDIT will only accept records requests made in writing or electronically via e-mail or fax. Records requests or requestors that cite the federal Freedom of Information Act will be treated as though they were made pursuant to the Colorado Open Records Act.

When responding to a records request, OEDIT shall make every effort to respond within three working days as required by § 24-72-203(3)(b), C.R.S. OEDIT can issue up to a seven-working-day extension if it finds extenuating circumstances exist, as described in § 24-72-203(3)(b), C.R.S. A request is received by OEDIT the day an e-mail, fax or letter containing a request is opened. The three working-day response time begins the first working day following receipt of the request. A request received after 12 p.m. or any day OEDIT is officially closed will be considered received as of the following working day.

No employee of OEDIT may modify, redact or omit any records they are required to provide to the Communications Manager pursuant to this policy, or his or her designee handling the request. Decisions about the applicability of CORA to particular writings will be made by Executive staff.

When feasible, OEDIT will endeavor to provide electronic copies or files to requestors if such alternative is significantly less burdensome to provide than paper records (see “The format of records produced” below). When responsive records cannot be easily or cost-effectively provided electronically to a requestor, OEDIT will work with the requester to schedule a time to inspect the records in person. OEDIT is open from 9 a.m. to 5 p.m. Monday through Friday. OEDIT may grant exceptions where OEDIT, requestors or the records produced require special accommodations.

OEDIT staff should never assume a document is exempt from CORA and should always consult attorneys in the Governor’s Office of Legal Counsel before making a final determination.

¹ This policy also generally applies to requests made pursuant to the Colorado Criminal Justice Records Act.

These provisions shall not apply to records requests received and handled by employees as part of their work for client agencies or officials when the custodian of records is not OEDIT.

Fees for document retrieval, review, copies and release of records

When a substantial request is made — requiring the production of more than 25 pages of documents or the use of more than one hour of staff time to locate or produce records — OEDIT will charge the requestor for all copying expenses and reasonable, actual costs associated with staff time in accordance with § 24-72-205(5)(a), C.R.S. and applicable law.

When the number of pages produced in response to a records request exceeds 25 pages, OEDIT will charge \$0.25 per page for all documents photocopied. When researching, retrieving, reviewing or producing records consumes more than one hour of staff time, OEDIT will charge \$20 an hour for all staff time after the first hour associated with researching, retrieving, reviewing and producing records for a requestor. OEDIT also may charge an hourly rate not to exceed \$30 an hour (after the first hour) when specialized document production or specialized skills are required to research, retrieve, review, locate, compile or produce records pursuant to a records request, including the use of third-party contractors. Any costs 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.

For requests where OEDIT anticipates more than 25 pages will be produced and/or more than one hour of staff time will be consumed, OEDIT will provide a requestor with advance notice and an estimate of compliance costs. Such costs must be paid in full before the production of records unless alternative arrangements have been made.

The format of records produced

The Colorado Open Records Act guarantees that all public records must be open for inspection by any person at reasonable times, except as provided in CORA or as otherwise specifically provided by law (§ 24-72-201, C.R.S.). CORA does not guarantee access to public records in a specific format. When the production or review of records in a specific format would interfere with the regular discharge of duties of OEDIT employees (§ 24-72-203(1)(a), C.R.S.) or levy an undue burden upon OEDIT, the legal counsel will determine the appropriate format for the records to be produced. Records maintained electronically may be produced electronically at OEDIT's discretion; this may or may not mean records are provided in their native format.

OEDIT may require that members of the public or press only be allowed to review copies of documents when the custodian of records determines that allowing access to originals could interfere with the regular discharge of duties of OEDIT or its staff or production of original records could jeopardize the condition of the records.

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