

# El Paso – Teller County Enhanced 9-1-1 Authority Board

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**Number:** 4.13

Replaces:

Date Issued: May 26, 1998

Revised: January 24, 2007

Date Effective: January 24, 2007

**Subject:** Access to Public Records and Fee Schedule

## BACKGROUND:

The Act at section 24-72-202 (6)(a)(1) defines public records as “all writings made, maintained, or kept by the state, any agency, institution, a non-profit corporation incorporated pursuant to Section 23-5-131 (2), C.R.S., or political subdivision of the state, or that described in section 29-1-902-, C.R.S., and held by any local government-financed entity for the use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds.”

Additionally, the Act at section 24-72-202(7) defines writing to 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 with limitation, electronic mail messages, but does not include computer software.

“Public Records” do not include certain records, including but not limited to, Criminal justice records or work product prepared by elected officials. However elected officials may release all of, or any part of work product prepared for them. Section 24-72-202 (6)(b), C.R.S.

The Act allows the official custodian of public records to make such rules with reference to the inspection of such records as reasonably necessary to protect such records and to the prevention of unnecessary interference with the regular duties of the clerk. The official custodian may also charge a reasonable fee, not to exceed \$1.25 per page unless actual cost are high, for copies of public records.

## POLICY:

It shall be the policy of the El Paso – Teller County E9-1-1 Authority Board (hereinafter, “E9-1-1”) to make all records available for public inspection unless such records are protected from disclosure by federal or state statute, by court order, or unless disclosure of such records would be contrary to the public interest. Thus, records, including work products of Board members and

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staff, those kept in miniaturized or digital form whether magnetic or optical disks, tapes, microfilm, microfiche, and electronic mail are potentially subject to public disclosure.

## 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 Public (Open) Records Act (hereinafter, “Act”) sections 24-72-201 to 206 Vol. 7 C.R.S (1997).

## PROCEDURE

All requests for public records shall be made in writing and lodged with the official custodian of public records maintaining such records. Many of these requests can be filled immediately; however, if the public records are in active use, in storage, or otherwise not readily available at the time that the request is made, the custodian shall set a date at which time the records can be inspected within three (3) working days of the date the request was made. Such period may be extended if extenuating circumstances exist (section 24-72-203(3)(b), but the extension period shall not exceed seven (7) days from the date the request was made. Extenuating circumstances cannot apply to a request that relates to a single, specifically identified document.

### **Electronic records and electronic communications:**

Records stored on magnetic or optical disk, on tapes, microfilm or microfiche are considered public records and open to disclosure. After receiving a written request for records stored in any of the aforementioned media, system management staff may take any measures necessary to assist the public in locating any specific public records, including but not limited to, the availability of viewing stations for microfilm, and microfiche, and provision of portable disk copies or computer files, or direct electronic access via online bulletin boards or other means.

### **Fees and charges:**

The official records custodian for E9-1-1 will charge for any copies, printouts, or photographs requested. A fee will also be charged for the manipulation of data in order to generate a record in the form not used by E9-1-1, and this fee shall not exceed the actual cost of manipulating said data and generating the record. Persons making subsequent request for the same record shall be charged the same fee.

Additionally, E9-1-1 will charge a fee when the public record is the result of

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computer output rather than word processing. The E9-1-1 records custodian will respond to requests for access to public records stored electronically and in computer database by providing, upon request, a copy, disk, or printout, and not by allowing access to a computer terminal or the use of a private terminal. The exception is any public information provided by the El Paso – Teller County Enhanced E9-1-1 Authority Board on the Internet. This fee will be based on recovery of the actual incremental costs of providing the electronic services and products together with a reasonable portion of the cost associated with building and maintaining the information system. Such fee may be waived by the official custodian if the electronic services and products are to be used for a public purpose.

## **EL PASO – TELLER COUNTY ENHANCED 9-1-1 AUTHORITY BOARD PUBLIC RECORDS STANDARD FEES AND CHARGES**

Photocopies	25 cents	per page
FAX copies	25 cents	per page actual telephone toll charges, if any

Duplication of audio tapes	5.00 dollars	per tape
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NOTE: A deposit, equal to the cost of duplicating one tape, is required at the time the request is made. This deposit is applicable to the total costs of duplication.

Verbatim transcripts of proceedings	Actual cost
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Transcription	Actual fee for Service
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Document certification	1.00 dollar	per document
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Research and retrieval	The El Paso – Teller County Authority Board shall charge for the actual time spent, in excess of one-half hour, based on the hourly rate of the least technically trained person capable of performing the search.
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Occasionally, a request for public records will involve the need to perform the research. While the El Paso – Teller E9-1-1 Authority Board has a clear obligation to provide public records and information, it cannot effectively serve

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as a research service for citizens without affecting its ability to provide normal and usual services. Therefore, El Paso – Teller County E9-1-1 Authority Board may charge for this research, which will be the hourly rate of the least technically trained person required to accomplish this task.

The El Paso – Teller County E9-1-1 Authority Board does not charge for requests from member agencies or other governmental agencies.

### **Denial of Inspection:**

Access to public records may be denied in accordance with the provisions of The Act. If the official custodian finds that, under the provisions of the Act, a particular record cannot or should not be released, the custodian should promptly notify the applicant. Upon the applicant's request, the custodian shall state the basis for denial in writing.