

**TITLE:** Colorado Open Records Act (CORA)  
**SUPERSEDES:**  
**PREPARED BY:** Administration

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**APPROVED BY:** ECPS Board of Directors

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## **GENERAL STATEMENT OF PURPOSE**

To establish the Colorado Open Records Act policy for ECHSD

1. Background. The Eagle County Health Service District (the “District”) is a quasi-municipal corporation and political subdivision of the State of Colorado. As a political subdivision and local government, the District is required to comply with the Colorado Open Records Act, C.R.S. 24-72-2 *et. seq.* (“CORA”). CORA requires the disclosure of all Public Records except for those specifically excluded from disclosure. CORA defines “Public Record” as all writings made or maintained by the District, regardless of the format or medium of the records.

2. Official Custodian.

a. The District’s Finance Manager is hereby designated as the Official Custodian responsible for the maintenance, care, and keeping of all records of the District.

b. The Official Custodian shall have the authority to designate such agents as they shall determine appropriate to perform any and all acts necessary to enforce and execute the provision of this Resolution.

3. General.

a. All Public records of the District shall be open for inspection at the times designated herein unless prohibited by the provisions of CORA or this policy.

b. Every request to inspect or copy any District record (a “Records Request”) shall be submitted to the Official Custodian in writing and be specific as to the information desired. If not submitted to the Official Custodian, any District employee, contractor, volunteer, or Director that receives the Records Request shall immediately send the Records Request to the Official Custodian. To assist the Official Custodian may require records requests to be submitted in the form and format developed by the Official Custodian.

#### 4. Legal Counsel.

a. If any question arises as to the propriety of fully complying with a Records Request, the Official Custodian shall immediately forward it to the District's legal counsel.

b. The District's legal counsel shall determine the District's obligations under the applicable Federal or State laws. If the District is permitted to make records available for inspection in whole or in part, the District's legal counsel will so notify the District's Official Custodian, who will assemble the disclosable requested documents for inspection and copying in accordance with applicable Federal or State law.

c. If the District's legal counsel determines the District is not permitted by Federal or State law to make records available for inspection in whole or in part, legal counsel shall provide a written response to the party submitting the Records Request stating the legal basis upon which the Records Request in whole or in part is being denied.

5. Denial of Records Request. Following the denial of a Records Request, upon receipt of the required written notice from the requesting individual that they will seek relief from the District Court, the Official Custodian will attempt to meet in person or speak by telephone with the requesting individual. District personnel are encouraged to utilize all means to attempt to resolve the dispute during this time period and will provide a written summary of the District's position at the end of the period to the requestor and the Board of Directors (the "Board"). No phone or in-person conference is required if the written notice indicates that the requestor needs access to the record on an expedited basis.

6. Timeline for Disclosure. Pursuant to CORA, all records must be made available for inspection within three (3) working days from the Official Custodian's receipt of the request unless extenuating circumstances exist. The deadline may be extended by seven (7) working days if extenuating circumstances exist and the requesting party is notified of the delay within three (3) working days of the Official Custodian's receipt of the Records Request. The Official Custodian may set the time, which shall be during normal office hours, and the place for records to be inspected and require that the Official Custodian or delegated person be present while the records are examined.

7. Digital Records. Any Public Record that is stored in a digital format will be provided in a digital format. A Public Record stored in a digital format that is searchable will be provided in a searchable format and a public record stored in a sortable format will be provided in a sortable format. A Public Record that is in a searchable or sortable format shall not be produced if:

- a. producing the record in the requested format would violate the terms of any copyright or licensing agreement between the District and a third party;
- b. producing the record would result in the release of a third party's proprietary information; or
- c. after making reasonable inquiries:
  - i. it is not technologically or practically feasible to permanently remove information that the Official Custodian is required or allowed to withhold within the requested format;
  - ii. it is not technically or practically feasible to provide a copy of the record in a searchable or sortable format; or
  - iii. the Official Custodian would be required to purchase software or create additional programming or functionality in its existing software to remove the information required or allowed to be withheld.
- d. A Public Record stored in a digital format shall be provided in such digital format by email unless the size prevents email transmission, in which case such record shall be transmitted by another method, as agreed on by the requesting individual and the Official Custodian.
- e. Altering an existing digital public record, or excising fields of information that the Official Custodian is either required or permitted to withhold under this subsection, does not constitute the creation of a new Public Record.

8. Fees. The Official Custodian may charge the following fees (collectively, the "Fees") for responding to a Records Request:

- a. Printouts, photographs, and copies, when requested, will be provided at a cost of twenty-five cents (\$0.25) per standard page, and at the actual costs of production of any non-standard page (the "Copying Fee"), except that no per-page fee will be charged for providing records in a digital or electronic format. A standard page shall mean an 8.5-inch by 11-inch black and white copy.
- b. When it is impractical to make the copy, printout, or photograph of the requested record at the place where the record is kept, the Official Custodian may allow arrangements to be made for the copy, printout or photograph to be made at other facilities and the cost of providing the requested records will be paid by the person making the request (the "Outside Copying Fee").
- c. If a copy, printout or photograph of a public record is necessary or requested

to be provided in a format other than a standard page, the costs will be assessed at the actual cost of production (the "Production Fee").

d. If data must be manipulated in order to generate a record in a form not otherwise used by the District, such data manipulation will be assessed at the actual costs to the District (the "Manipulation Fee"); however, the District is in no way obligated to generate a record that is not otherwise kept, made, or maintained by the District.

e. The cost of transmitting the requested records will be charged at the actual cost of such delivery (the "Transmission Fee"). Transmission Fees will not be charged for transmitting any record by electronic mail when requested.

f. When the location or existence of specific documents must be researched and the documents must be retrieved, sorted, or reviewed for applicability to the Records Request, and such process requires more than one (1) hour of staff or legal counsel time, the Official Custodian may charge a research and retrieval fee not to exceed forty-one dollars and thirty seven cents (\$41.37) per hour or the maximum amount allowed by the Executive Committee of the State Legislative Council, whichever is greater (the "Research and Retrieval Fee"). If an individual submits multiple Records Requests in any five (5) working day period, the Official Custodian may aggregate such requests for the purposes of calculating and charging the Research and Retrieval Fee, such that only one (1) hour of research and retrieval is provided without charge for all Records Requests submitted by the same individual within any such period.

g. If any requested records are protected by a privilege (for example, but not limited to, the work product or attorney-client privileges), the District may charge the actual costs of creating a privilege log identifying the privileged records (the "Privilege Fee"). If legal assistance or review is necessary to create the privilege log, the Privilege Fee may include the actual costs for such legal assistance.

9. Deposit. The District may require a ninety percent (90%) deposit of the estimated Fees prior to commencing work to produce the records. Payment of the remainder of the Fees, including all actual costs exceeding the estimated amount, must be made prior to the time of inspection or release of the requested records. All payments of Fees, including deposits, may be made by cash or check.

10. Exceptions. No person shall be permitted to inspect or copy any records of the District if, in the opinion of the Official Custodian after consultation with the District's legal counsel, such inspection or copying would come within the prohibition of one or more exceptions set forth in CORA.

11. Identification. No form of identification shall be required to request or inspect Public Records unless the requested record is confidential and accessible only by the person in interest, or as otherwise provided by CORA.