

**METRO WASTEWATER RECLAMATION DISTRICT
RECORDS MANAGEMENT**

Standard Operating Procedure 12 – Responding to Open Records Act Requests

Original Issue Date 05/1999	Revision 09	Revision Date 03/7/2016	Approved By <i>Edward Sturgeon</i>	Date 03/7/2016
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INTRODUCTION

The Metro District adopted these procedures regarding the handling of Colorado Open Records Act (CORA) requests to ensure public access to the records at reasonable times and without unreasonable delay, to protect the integrity of District records, to prevent unnecessary interference with District staff's obligation to perform their other public service responsibilities, and to provide for a fee and charge structure in compliance with CORA.. All CORA requests shall be coordinated through Records Management staff.

PROCEDURE

Any person (applicant) may request to view public records in the possession of the Metro District. The District's public records Custodian is the Records Management Administrator or his/her designee.

If the public records requested are in active use, storage, or otherwise not readily available, the Custodian will inform the applicant of this fact. If requested by the applicant, the Custodian will set a date and time for review of the records not readily available which shall be no more than three working days after the request. This three-day period may be extended if extenuating circumstances exist. However, the period of extension shall not exceed seven working days. A statement that extenuating circumstances exist shall be made in writing to the applicant and shall be provided within the three-day period.

Records will be made available for inspection in the Metro District's Central Records area on Tuesdays, Wednesdays, and Thursdays from 9:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:00 p.m. No records inspections will be scheduled for Mondays or Fridays. The dates and times for records inspections have been determined based upon current staffing levels and workload of the Records Management Workgroup.

The applicant will review the records in an area designated for such review in Central Records. The Metro District may, but is not obligated to, provide access to any public record via an electronic or digital format. Records Management personnel may, at their discretion, monitor the inspection of the records in order to ensure the protection of the records and prevent unnecessary interference with the discharge of the duties of Records Management or other District staff. The applicant is prohibited from using image scanning equipment, cameras (digital or otherwise), copiers, or any other means of electronically or digitally reproducing any public record during the review.

Under State and Federal law, the Custodian may deny inspection of certain records and must deny the inspection of other records, in whole or in part. The Custodian shall not provide records to the applicant until the records that can or must be withheld have been removed. If a record that should have been withheld is inadvertently produced and a photocopy is requested, the copy request will be denied and the Custodian shall provide the applicant with the reason for denial as set forth herein. If the Custodian denies the applicant access to any public record, the applicant may request a written statement of the grounds for denial. Such request shall be made at or before the time of inspection of the records. The Custodian will provide this information to the applicant, forthwith, setting forth the citation to the law or regulation under which access was denied.

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FEES AND CHARGES

Except for Qualified Academic Requests, which are defined below, the Metro District does not charge a fee for research and retrieval of records where the time to research and retrieve the records does not exceed 60 minutes of District staff time. Time in excess of 60 minutes will be charged at the rate of \$25 per hour. If District staff believes the research and retrieval of the records requested may exceed 60 minutes of staff time, they will provide an estimate of the amount of time; the applicant will be required to deposit the corresponding amount with the District before the research and retrieval will begin. Any amounts deposited which exceed the actual research and retrieval costs will be returned to the applicant. Any deficiency in the amount deposited compared with the actual charges determined after the search and retrieval have been completed must be paid by the applicant prior to reviewing the records. Where an individual or entity has made multiple requests for inspection of records within a 30-day period, the individual or entity shall only be entitled to 60 minutes of free search and retrieval within that 30 days. Additional time spent on search requests will be charged for the full amount of search time at \$25 per hour.

Except as set forth below, the Metro District will provide the first 10 pages photocopied free of charge. Thereafter, the charge shall be \$0.25 per page, unless actual costs exceed that amount. Where an individual or entity has made multiple requests for inspection of records within a 30-day period, the individual or entity shall only be entitled to a total of 10 free pages within that 30 days. All other photocopies will be charged at \$0.25 per page. If the request involves a large number of records, the applicant may choose to have the records scanned to a CD. The cost is \$25/CD plus \$25/hour for the cost of assembling and scanning the records and burning the images to the CD.

Copies of audiotapes, digital recordings, and videotapes are \$25 each.

If the Metro District does not have the facilities for making copies of the records, the Custodian will arrange to have copies made, and the costs of such reproductions shall be paid by the applicant. In order to ensure the protection and integrity of the District's records, the District will also charge the applicant \$25/hour to supervise the copying of the records.

Fees for copies made at the Metro District, as well as those associated with costs for copies not made at the District, must be paid prior to receipt of the copies. Whenever the copying charges are estimated to exceed \$25, the District shall require the applicant to deposit the amount of estimated charges before copying of the records commences.

The Metro District is not obligated to generate a record in a form not used by the District. However, if in response to a specific request the District (at its sole discretion) has generated a record in a form not used by the District, the applicant will be charged a fee that shall not exceed the actual cost of generating the record in accordance with the request. Any subsequent requests for the same or similar records may be charged a fee not in excess of the original fee. If the public record is the result of a computer printout, other than word processing, the fee will be based upon the actual incremental costs of providing the electronic services and products and a reasonable portion of the costs associated with building and maintaining the system. Prior to the generation of a record in a new form or the generation of a computer printout, the District shall require a deposit of the estimated cost of producing the record.

The Metro District will certify copies of public records upon payment of a certification fee of \$5 per document plus normal fees and charges as set forth above.

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Qualified Academic Requests

When the Metro District receives requests for documents from a student(s) or representative(s) of an accredited Academic Institution which directly relate to the District's business and the District determines, in its sole discretion, that an exchange of the information sought would be in the benefit of the District, the District shall consider the request a Qualified Academic Request (QAR). In such case, the District may provide up to 120 minutes of free research and retrieval time with respect to the QAR. Any time in excess of 120 minutes will be charged at the rate of \$25 per hour and the requestor will be notified and given an estimate of this time as provided for above. In addition, the District will provide up to 50 pages free of charge for QARs. Thereafter, copies shall be \$.25 per page as provided for above. Determinations of QAR status shall be made by the District Manager or a person(s) designated by the District Manager.