

Poudre Fire Authority
Public Policy - 1
Public Records Request Procedures and Related Fees
Colorado Open Records Act (CORA)

Office of Primary Responsibility: Support Division

Purpose

1. This policy sets forth the Poudre Fire Authority's policy and procedures relating to the requests for Public Records made, maintained, or kept by Poudre Fire Authority (PFA) in compliance with the standards and requirements of the Colorado Open Records Act, C.R.S. Section 24-72-201 *et seq.* (CORA)
2. To establish reasonable time frames and standardized fees for producing records as authorized by CORA.

Scope

3. This policy applies to all records, regardless of their location or the format in which they reside.
4. Records covered under the Colorado Criminal Justice Records Act are exempt from this policy.
5. Medical Records and Reports are exempt from this policy unless the PFA has received a signed medical release from the patient or medical power of attorney, per C.R.S. Section 24-72-204.

Form of Requests

6. Except for requests for inspection of records that can be quickly identified and are readily available by the PFA for immediate inspection, all requests for inspection or copying of public records must be in writing and must specifically identify the records requested.
7. Requests may be submitted via the Poudre Fire Authority's online NextRequest portal or via mail to the Authority's headquarters.

Timeframe for Responding to Requests

8. Upon the payment of any applicable fees, PFA will make public records available for inspection and copying within three working days of receiving the written request or payment of the estimated fees if advance payment is required as specified below, unless the requesting party agrees to a longer time. This timeframe may be

extended by PFA by up to an additional seven working days if extenuating circumstances prevent an earlier response. If extended, this will be communicated within the three working days to the requesting party.

9. If it is not possible to provide the requested records for inspection or copying within the period specified above because:
 - a. the records were very broad or not specifically identified by the requesting party,
 - b. earlier compliance would substantially interfere with the regular discharge of the duties of the PFA,
 - c. the records pertain to an ongoing investigation or criminal action,
 - d. a signed medical release was not submitted with the request for medical records.

The PFA will notify the requesting party in writing of the later date and the reasons for the delay within the initial three working days of receiving the written records request unless the reason for the delay could not be reasonably anticipated during the initial three days.

Abandoned Requests

10. If the PFA attempts to contact a requestor to clarify a request or discuss the scope of a request and the requester does not respond within ten business days, the PFA will automatically close the request.

Fees

11. There is no charge to inspect public records at PFA unless:
 - a. in the judgment of the PFA, the nature of the request makes it necessary to expend more than 60 minutes of staff time to
 - i. research and retrieve the requested records to ensure that the records are properly identified as being responsive to the request and are made available for inspection, and
 - ii. review the requested records for withholding or redaction because of privilege as required or permitted by the Colorado Open Records Act,
 - b. It is necessary to manipulate data or documents to generate a record in a form not used by PFA as described in subsection (12b) below.

Fee Amounts

12. The following hourly fees will be charged for the time necessary to accomplish those tasks:

- a. Research, retrieval, identification, segregation, and/or redaction of records associated with a privilege review to determine whether a record may or may not need to be disclosed or redacted - \$33.58 per hour after the first 60 minutes of combined time spent on such tasks;
- b. data or document manipulation - actual total hourly compensation for the person(s) doing the necessary manipulation plus any other applicable fees to cover the direct costs incurred in the following tasks:
 - i. reconstruction of deleted email as described in subsection 12 of this policy;
 - ii. production of a privilege log of documents that are not disclosed (if requested); or
 - iii. any other manipulation of data necessary for the PFA to generate a record in a form not used by PFA, or in order to transmit them in the manner requested.

Copying

13. If copies of public records are requested or copying is necessary to perform the tasks identified in subsection (12b) above, the following additional fees will be charged:

- a. up to 11" x 14" - \$.25 per copy;
- b. 11" x 17" - \$.50 per copy.
- c. For copies of other sizes, fee amounts will be set by the department making the copies but shall not exceed actual cost.
- d. At its option, PFA may send copying to an outside vendor, in which case the requesting party will be charged according to the outside vendor's fees.

Placement on Electronic Storage Devices.

14. The following additional fees will be charged for providing records on storage devices if the PFA has the ability to copy the records to the device:

- a. USB flash drive - \$15 per drive
- b. other portable digital storage devices - actual cost of acquiring the device
- c. Such storage devices will be provided by PFA.

Email Transmission of Records

15. No fee will be charged for the transmission of records by email, although the other fees described in this policy may be applicable if those services are necessary in order to place the records into a format that can be emailed.

Payment of Estimated Fees Required Prior to Identification, Retrieval, Review and Copy of Records.

16. If the PFA estimates that the fees for researching, retrieving, reviewing, manipulating, segregating, redacting, and copying the requested records will be \$33.58 or more, the PFA will notify the requestor of the estimated amount and may not begin those tasks until the fees are paid. The PFA will provide the fee estimate notice to the requestor as soon as it becomes apparent that payment of the estimated fees will be necessary pursuant to this Section.
17. The date of payment of the estimated fees will begin the timeframe which the records must be made available for inspection as explained in Section (8), above. If in the course of the retrieval or review process, the PFA discovers a circumstance that results in a significantly greater estimate of fees, the PFA will provide the new estimate to the requesting party, and the process will be paused until the new fee estimate amount is paid.
18. Once the actual amount of the fees is known, the requesting party will be refunded any excess amount collected or will be required to pay any additional amount owed prior to obtaining access to the records.
19. Fees will be waived in any of the following circumstances:
 - a. Copying fees for 8½" X 11" copies if the request is for not more than 5 pages.
 - b. In the interest of promoting civic engagement, copies of agenda materials to be considered by the Poudre Fire Authority Board at public meetings will be provided without charge up to and including the day of the meeting.
 - c. Records provided to other governmental entities or to entities with which PFA has an ongoing business relationship, when PFA determines that it is in its best interests to provide the fee waiver.
20. Fees may, in the discretion of the Fire Chief or his/her designee, be reduced or waived if the records and services are to be used for a public purpose. The specific public purpose must be identified in the request.

Emails

21. Searches for email communications will be limited to those messages that exist on the PFA's computer as of the date of the request, unless the requesting party

specifically requests in writing that emails that have been "permanently deleted" be reconstructed and retrieved. If such a request is made and reconstruction is reasonably possible, the applicant will be charged the fees described in (12b) above, in addition to any other applicable fees.

Security of Inspected Record

Any original public record to be inspected shall not be released to the requestor, until the PFA may take precautions to ensure the security of the record being inspected.