

SAN MIGUEL REGIONAL HOUSING AUTHORITY

Policy on Responding to Records Requests

The San Miguel Regional Housing Authority (SMRHA) fully supports and complies with all Federal and State laws relating to the retention, protection, and disclosure of SMRHA records, including, but not limited to, the Colorado Open Records Act, Title 24, Article 72, Part 2, C.R.S. (CORA). SMRHA's Board of Directors adopts this policy to provide procedures for how people and organizations may inspect and copy public records maintained by SMRHA.

SMRHA's policy is that all public records, as defined by CORA, shall be open for inspection by any person at reasonable times which do not interfere with the regular discharge of the duties of SMRHA, except as otherwise provided by law. CORA defines a "public record" to include most writings made, maintained, or kept by SMRHA in connection with its official activities. *See* § 24-72-202(6) C.R.S. SMRHA will make a good faith effort to respond to requests to inspect public records while ensuring that it redacts or withholds certain confidential, protected, or exempted information based on criteria set out in sections 24-72-202 and -204, C.R.S.

The Board designates SMRHA's Executive Director as a custodian of SMRHA's records for CORA purposes. A request for inspection and/or copying of SMRHA records is herein referred to as a "Records Request."

The following policies apply to any Records Request:

1. Purpose

- 1.1. The purpose of this policy is to implement and supplement the procedures set forth in CORA for responding to Records Requests. SMRHA will follow the procedures and charge the fees set forth in CORA and other applicable laws for processing and responding to Records Requests, as supplemented by the procedures set forth in this Policy. If any provision of this Policy conflicts with CORA or other applicable laws, the provisions of CORA or the other applicable laws shall control. This Policy shall supersede any previous policies of SMRHA related to public records requests.

2. Format of Records Request

- 2.1. Anyone making a Records Request (a "Requestor") shall submit it to SMRHA's Executive Director in writing using a designated form provided by SMRHA as approved by the Executive Director. SMRHA will not accept Records Requests verbally or in any other written form.
- 2.2. SMRHA will maintain and make available a designated Records Request form on SMRHA's website and at SMRHA's office.
- 2.3. A Requestor may submit a completed Records Request form in physical form to SMRHA's office or in electronic form to an email address designated on SMRHA's website.

3. Scope of Records Request

- 3.1. All Records Requests shall be specific as to the information desired.

- 3.2. Broad, general requests may cost the Requestor more due to the staff time required to fulfill these requests. SMRHA encourages Requestors to narrow their Records Request by identifying specific search terms, dates, purposes, SMRHA departments, if any, and personnel files so that SMRHA can limit the time and resulting expense for the Records Request.
- 3.3. SMRHA may, but need not, contact the Requestor to attempt to clarify or narrow a Records Request. Requestors may choose to provide phone and e-mail contact information to facilitate communication regarding the Records Request for this purpose.
 - 3.3.1. SMRHA will not suggest search terms or parameters and does not create new records in response to a Records Request.
 - 3.3.2. If a Requestor revises a Records Request, the Requestor must resubmit the revised Records Request in writing, and the statutory time limit will begin at submission of the revised Records Request.

4. Procedure and Schedule

- 4.1. The Executive Director may designate one or more of SMRHA employees who shall be responsible for researching, compiling, copying, and providing the records that are responsive to a Records Request.
 - 4.1.1. References in this Policy to the Executive Director shall include assigned designees.
 - 4.1.2. The Executive Director may set the time during normal office hours and the place for inspection of records and require that a designated employee be present during examination of records.
- 4.2. Pursuant to CORA, SMRHA must make records available for inspection within three (3) working days, unless extenuating circumstances, as defined by CORA, exist.
 - 4.2.1. SMRHA may extend this deadline by seven (7) working days if extenuating circumstances exist and SMRHA notifies the Requestor in writing of the extenuating circumstances within the initial three-day period.
 - 4.2.2. In calculating these deadlines, the following guidelines shall apply:
 - 4.2.2.1. SMRHA's business day ends at 5:00 p.m. SMRHA's deadline to fulfill any Records Request received after 5:00 p.m. does not begin to run until the next business day SMRHA's offices are open.
 - 4.2.2.2. SMRHA's business days exclude federal and state holidays, Saturdays, Sundays, and other dates on which SMRHA closes its offices. SMRHA's deadline to fulfill any Records Request received on such date does not begin to run until the next business day that SMRHA's offices are open.
 - 4.2.2.3. SMRHA will not count the day it receives a Records Request in the time SMRHA has to respond to it, pursuant to section 2-4-108, C.R.S.
 - 4.2.2.4. SMRHA may put the time for fulfilling broad, general, or ambiguous Records Requests on hold while it attempts to communicate with the Requestor to narrow or clarify the Records Request.

4.2.2.5.SMRHA's deadline to fulfill a Records Request does not begin to run until the business day after the Requestor pays any deposit required under this policy to SMRHA.

5. Restrictions on Disclosure

- 5.1. SMRHA will only allow inspection of those documents permitted by CORA.
- 5.2. If any question arises as to the propriety of complying with a Records Request, the Executive Director shall immediately forward it to SMRHA's legal counsel.
- 5.3. SMRHA's legal counsel shall determine SMRHA's obligations under CORA and any other applicable laws and advise the Executive Director accordingly.
- 5.4. If SMRHA's legal counsel determines SMRHA is not permitted by applicable law to comply with the Records Request in whole or in part, legal counsel shall assist the Executive Director in preparing and providing a written response to the person submitting the Records Request stating the legal basis upon which the Records Request in whole or in part is being denied.

6. Fees and Costs

- 6.1. SMRHA will provide paper copies of requested records at a cost of \$0.25 per page for documents in standard size and format. SMRHA will charge the actual cost of production for a copy, printout, or photograph of a public record in a format other than a standard page size and format.
- 6.2. Additionally, SMRHA will charge a fee of \$41.37 per hour for every hour after the first hour spent by its employees researching and retrieving records in response to a Records Request, as allowed by 24-72-205(6) C.R.S.
 - 6.2.1. SMRHA will provide the requestor with an estimate of the time required to fulfill the Records Request before beginning the work necessary to produce the requested records. Should the required time exceed any estimate, SMRHA will provide such additional estimates of time as required to complete the Records Request before continuing work to produce the requested records.
 - 6.2.2. The Requestor must pay an advance deposit of the cost for any estimated time required to fulfill the Records Request greater than one hour before SMRHA will begin, or continue if applicable, researching and retrieving the requested records. SMRHA will refund any deposit that exceeds the actual statutorily allowed cost.
 - 6.2.3. The \$41.37 hourly research and retrieval fee will automatically adjust for inflation pursuant to 24-72-205(6) C.R.S. or successor statute, every 5 years. The next statutory increase will occur on July 1, 2029.
 - 6.2.4. Any fee charged for the research and retrieval will be the same for all requesting parties, whether the person requesting the records is an individual, a representative of the media, a public or private entity, or a for-profit or nonprofit entity.

7. Multiple, Duplicative or Voluminous Records Requests

- 7.1. If SMRHA receives multiple or voluminous Records Requests, from either one or multiple individuals, that require extensive amounts of staff time and which would interfere with

SMRHA operations, it may limit allocation of staff time to Records Requests to avoid interference with regular SMRHA operations. SMRHA will manage such Records Requests in the order received.

- 7.2. In addition, SMRHA may consolidate multiple or duplicative Records Requests with the same or similar terms from one requestor as it determines necessary. Once consolidated, SMRHA will assess statutorily allowed fees for the staff time necessary to review and respond to the consolidated request and will calculate the statutorily imposed deadlines from the date of submission of the last Records Request that is so consolidated.
- 7.3. If SMRHA receives duplicative Records Requests from multiple requestors, it may likewise choose to consolidate the requests and publish the requested information on a publicly available website and direct the requestors to that website in satisfaction of its responsibilities under CORA. Once consolidated, SMRHA will assess statutorily allowed fees for the staff time necessary to review and respond to the consolidated request and will calculate the statutorily imposed deadlines from the date of submission of the last Records Request that is so consolidated.

8. Abandoned Requests

- 8.1. If SMRHA attempts to contact a requestor to clarify a Records Request, discuss the scope of a Records Request, or obtain payment of a deposit to begin work on a Records Request, and the requestor does not respond within ten (10) business days, SMRHA will deem the request as abandoned and will close the request.
- 8.2. SMRHA will hold records assembled in response to a Records Request for no more than ten (10) business days after it has notified the requestor that the records are available. The holding period may be shorter for physical records that SMRHA needs to use for its operations. If the requestor fails to inspect or pick up the records within this time, SMRHA will consider the Records Request abandoned and will close the request.
- 8.3. SMRHA will process a request to re-open a closed request as a new request.

Adopted: _____