A-11 SUBJECT: OPEN RECORDS REQUESTS

PURPOSE**:** Under the Colorado Open Records Act, C.R.S. § 24-72-203 ("CORA" or "the Act"), public records made, maintained or kept by the Town, regardless of the format or medium, are open for inspection by the public at reasonable times, with some exceptions as prescribed by law. Records qualifying as criminal justice records under the Colorado Criminal Justice Records Act, CRS § 24-72-301, *et seq*., are not subject to this policy and must be submitted directly to the Police Department. As a municipal government, the Town of Frisco is subject to CORA, with the Town Clerk designated as the official records custodian of the Town.

The purpose of this policy is to establish rules for the inspection of public records so that the Town Clerk and other Town staff can provide clear, consistent, and compliant service to public records requestors, in addition to their regular responsibilities. All records are subject to the following rules adopted by the Town to promote open and accessible government while maintaining the integrity of the Town's records, accounting for costs to the Town of complying with requests, and preventing unnecessary interference with Town operations. Certain records are specifically exempted from inspection by the Act or other Colorado law. Reasonable requirements, consistent with these rules and the Act, may be established by the custodian of records with respect to requests as necessary and appropriate. The Town updates, and publishes updates of these rules from time to time.

POLICY:

A. Submission of Records Requests

1. *Sole Custodian of Records and Point of Submission:* Requests must be submitted to the Town Clerk, who is the official custodian of Town records (other than criminal justice records). The Town may contact the requestor to clarify and understand the request. The requestor may confer with the Town in filling out the electronic submission form to develop the clearest possible request. The Town Clerk may direct records requests to Town department(s) or staff members for a response.

2. *Form and Delivery of Requests:* Requests must be submitted in writing in one of the following ways:
   - Online: Town of Frisco Records Request Form at www.FriscoGov.com
   - Hard copy paper: Printable Town of Frisco Records Request Form available at www.FriscoGov.com or upon request to the Town Clerk via email to townclerk@townoffrisco.com or in person at Town Hall at 1 Main Street, Frisco, Colorado, 80443.
   - Mail or Courier Service: Mailing instructions are on the printable form.
   - In Person: Deliverable in person during business hours at Town Hall at 1 Main Street, Frisco, Colorado, 80443.
   - Submitted requests that do not utilize the Town's official forms, so long as they contain the necessary information for the Town Clerk to process the request, will be accepted and processed like any other request.

3. *Drafting an Open Records Request:*
   - Specificity: Requests must be made with sufficient information to allow for efficient identification, collection, and evaluation of records by Town staff. Requests that are targeted and contain the detailed nature of documents sought, enable the request to be filled more expediently and in a manner which may produce cost savings to the requestor. Details could include but are not limited to: record name(s) or title(s), location(s), date(s), author(s), recipient(s), specific subject matter, or category of records. The Town may contact the requestor to attempt to clarify and understand the request as necessary. Requests that are not sufficiently specific, and any requests by Town staff for clarification that are not responded and/or do not provide information that aids in the efficient identification, collection, and evaluation of records by Town staff, may be denied or deemed as

"abandoned" by the Town.

- Records Not Yet In Existence: Requests (or portions of requests) that seek records that are not yet in existence, that seek disclosure on a continuing or periodic basis, or that consist of interrogatories, editorials, or other similar comments will not be fulfilled.
- Voluminous, Broad or Ongoing Requests: The production of requests for voluminous documents, broad or extensive information may not be immediately feasible. If production of requested records is not feasible within this policy's time limit, the custodian is excused from producing the request within the time limits if production would significantly and adversely impact critically important or previously scheduled Town work. If the Town cannot respond to the request within three business days, the requestor will be notified and provided with an estimated timeframe for when a response will be provided, and any necessary costs associated with fulfillment.
- Multiple Requests: no more than three requests will be accepted from the same requestor in one week, or seven calendar day period. If more than three requests are submitted by one requestor, the additional requests will not be processed or fulfilled.

B. Responses to Open Records Requests:

1. *The Town may respond to a records request by:*
   - providing the requested records
   - making the requested records available for inspection
   - denying the request
   - responding that there are no records responsive to the request
   - requesting clarification or narrowing the request
   - directing requester to proper custodian of the record, if known
   - providing a cost estimate to respond to the request and request a deposit in accordance with this policy
   - any combination of these; or
   - any other appropriate response.

2. *In Person Inspection:* If the Town makes records available for in-person inspection, the requestor may mark the pages she or he wishes to have copied with adhesive tabs and copies will be made at a later time by Town staff. In no event shall any records leave the custody and possession of a Town employee during inspection. The Town will not allow requestors to access Town computers that are connected to internal Town computer systems not ordinarily available for general public use.

3. Timeframe: Upon receipt of a complete and properly submitted records request and payment for estimated fees related to such request, the Town will strive to provide a response within three business days, excluding holidays and weekends. Record requests shall not take priority over the previously scheduled work activities of the Town. If the Town cannot respond to the request within three business days, the requestor will be notified and provided with an estimated timeframe for when the response will be provided. The Town will deem a request as abandoned if, after ten business days, the requestor has not reviewed records made available for inspection, retrieved records copied by the Town in response to the request, or submitted payment for the identification, collection, evaluation, and copying of records. At such time, any original record will be returned to its normal place and any copies will be destroyed.

4. Conferral, updating, and information sharing between the requestor and the Town is encouraged throughout the entirety of the process, and in some instances may be required.

5. The Town is not required to create a new document in order to respond to a request for information.

6. The Town will endeavor to provide information in that form which is most convenient and practical, in its discretion, but will not manipulate or customize the format of record.

7. The Town may respond to requests for access to public records stored electronically and in computer databases by providing, upon written request, a copy, disk or printout, but shall not allow access to a computer terminal connected to internal Town computer systems not ordinarily available for general public use. If a record is stored in digital format, the Town will produce such record in digital format. If a digital record is stored in a searchable format, it shall be provided in searchable format; if stored in a

sortable format, it will be provided in sortable format. Notwithstanding the foregoing, a digital record shall not be produced in searchable or sortable format if production would violate a copyright or licensing agreement, would result in the release of proprietary information, or it would not be technologically or practically feasible to permanently remove information that is required to be withheld in such format. It shall not be considered technologically or practicably feasible to produce a record in such a manner if the custodian would be required to purchase software or create additional programming to remove information required to be withheld. If custodian cannot comply with requested format, the custodian shall provide an alternative format and provide requester with a written explanation as to why.

8. Redaction or Withholding: Although most Town documents are open to public inspection, certain information is specifically protected by State and/or Federal law, such as confidential personal information and attorney-client privileged information. When a request for records is received, it shall be the responsibility of the Town Clerk, in consultation with the Town Attorney's office, to determine whether or not the requested records should be released. If any portion of the requested records are only partially available for public inspection under State and/or Federal law, such records shall be redacted to protect such information and made available for inspection in such format. Transcripts (verbatim) will be provided by court order only. Requests for information only or answers to questions are not considered requests under CORA, but will be forwarded to the appropriate staff member(s) for response. Time spent on redaction shall be subject to the fees set forth below. The following records shall not be available for inspection:
    - If, upon consultation with the Town Attorney, inspection would be contrary to any state or federal statute or regulation or is prohibited by court order
    - If disclosure would do substantial injury to the public interest, even though such record is otherwise available for public inspection under the provisions of this policy, the custodian may deny access to such public record. When a public record is withheld pursuant to this provision, the custodian shall provide the person requesting the record a sworn statement generally describing the document or documents withheld and explaining why disclosure would cause substantial injury to the public interest
    - The content of personnel files, specifically including but not limited to, social security numbers, home addresses, home telephone numbers, and personal medical, psychological, sociological and scholastic achievement data
    - Letters of reference
    - Correspondence between Town Council and constituents where it is clear that there was an expectation of confidentiality
    - Trade secrets, privileged information, or confidential commercial or financial information furnished or obtained from a person that cannot be accessed by the general public
    - Sexual harassment investigations
    - Work product and drafts
    - Deliberative process materials (material so candid or personal that public disclosure is likely to stifle honest and frank discussion within the government)
    - Real estate appraisals
    - Investigatory files complied for any law enforcement purpose, and
    - Any other disclosure exceptions found within C.R.S. § 24-72-204
- Failure to Pay for Prior Request: The Town will not proceed with a new request for a requestor who has not paid all costs associated with a previous request.
- Records Already Available Publicly: Many Town records are available on its website at [www.FriscoGov.com] such as financial documents, Town Council agendas, minutes, and the Municipal Code and Town Charter. If the records that are the subject of a request are available publicly (i.e., on the Town website), the Town Clerk may direct the requestor to such source for inspection of the records.

C. Fees:

The Town will not *bill for later payment* for copies or other services in conjunction with open records requests. Charges must be paid if an open records request is to proceed beyond the first hour free of charge prescribed by CORA.

Item or Service	Fee
Electronic documents (per document or per page) (if already electronic and delivered to requestor electronically)	no charge
Standard-sized hard copy document	$0.25 per page (8.5" x 11")
Non-standard hard copy document	Actual cost
Hourly Fee (Staff Time: research, review)	Maximum Hourly Rate allowed by Colorado General Assembly C.R.S. § 24-72-205 (6) ($41.37 per hour as of July 1,2024)
USB Drive provided by Town	$5.00 each

The quote and final costs of an open records request may include, but are not limited to:

- estimated time for the retrieval of records
- cost of the physical medium of the document
- estimated time for the review for redaction, if any, and
- the cost of retrieving the document from off-site storage for inspection

Copy charges totaling less than $5.00 will be waived.

PROCEDURE:

1. Open Records Requests are received by the Town Clerk.
2. Town Clerk will deem the Request actionable and sufficient with necessary information, otherwise will work with the requestor on required information to process the request.
3. Once deemed sufficient, Town Clerk will notify applicable Town Department Director and designated staff of the request and timeline for when information is needed to be delivered to the Town Clerk. Otherwise, the Town Clerk may correspond with the requesting party concerning the need for an extension up to the allowed seven additional days pursuant to C.R.S. § 24-72-203(3)(b) and an anticipated timeline for response and/or fulfillment, and any associated costs.
4. Once the request is either responded to or fulfilled, and considered closed and complete, the Town Clerk archives and retains the request, correspondence, and fulfillment materials if applicable, in accordance with the Colorado Municipal Records Retention Schedule.

REVIEWS & APPROVALS:

Town Manager:

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Thomas C. Fisher, Town Manager Date

Version Tracking:
v1: March 2008
v2: March 2013
v3: October 2026
v4: November 2026