

REQUEST FOR INSPECTING/COPYING OF RECORD

Date of Request:_____ Time of Request:_____ a.m./ p.m.

Applicant Name:_____

Address:_____

Daytime Phone Number: _____

Description of Document: _____

Purpose of Request:

Court Case ____ Personal Information ____ Other (please specify) _____

Certified Copy?

Yes _____ No _____

FOR TOWN CLERK USE ONLY

Responsible Department:_____

Availability: Paper Copy _____ Electronic Format _____

Location: In Storage _____ On-Site _____

Cost Estimate: No. of Pages @ \$1.25 per page _____

No. of Hours @ Hourly Rate _____

Total Cost Estimate _____

Having received the foregoing cost estimate I choose to confirm my request for the records described and agree to pay the charges at the time the records are made available.

Signature: _____

Date: _____

**TOWN OF HAYDEN
OPEN RECORDS POLICY
MARCH, 2001**

Purpose:

The purpose of this policy is to assure prompt and equitable service to citizens requesting access to public records and writings, including those records created by electronic mail, in accordance with the requirements of C.R.S. 24-72-205. This policy does not apply to criminal justice records.

Definition:

“Public Records” as defined by State Statute, are all writings made by the Town unless specifically exempted, maintained or kept by the Town for use in the exercise of functions required or authorized by law or administrative rule or involving the receipts or expenditure of public funds. Criminal justice records (as defined elsewhere) are not public records.

“Writings” are all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials, regardless of physical form or characteristics. Included is digitally stored data, including without limitation electronic mail messages, but does not include computer software.

Intent:

It shall be the policy of the Town of Hayden to make all records available for public inspection unless such records are protected from disclosure by state or federal statute, by court order, or unless disclosure of such records would be contrary to the public interest. Thus, records, including work products and those of elected officials, those kept only in miniaturized or digital form, whether magnetic or optical disks, tapes, microfilm, microfiche, and electronic mail, are potentially subject to public disclosure.

All requests for public records shall be made in writing with the Town Clerk, the official custodian of public records. Many of these requests can be filled immediately; however, if the public records are in active use, in storage, or otherwise not readily available at the time the request is made, the custodian shall set a date at which time the records can be inspected that is within three (3) working days of the date the request was made. Such period may be extended if extenuating circumstances exist, but the extension period shall not exceed seven (7) days from the date the request is made. Extenuating

circumstances cannot apply to a request that relates to a single, specifically identified document.

Allowance or Denial of Inspection – Grounds, Procedure, Appeal:

1. The custodian of any public record shall allow any person the right of inspection of such records EXCEPT on one or more of the following grounds:
 - a. Such inspection would be contrary to any state statute.
 - b. Such inspection would be contrary to any federal statute or regulation issued thereunder having the effect of law.
 - c. Such inspection is prohibited by rules promulgated by the Supreme Court or by order of any court.

2. The custodian may deny the right of inspection of the following records on the ground that disclosure to the applicant would be contrary to the public interest:
 - a. Any records of the investigations conducted by any prosecuting attorney or police department, or any records of the intelligence information or security procedures of said individuals, or files compiled for any other law enforcement purpose.
 - b. Any records pertaining to administration of a licensing examination, employment examination or academic examination. Written promotional examinations and the scores and results shall be available for inspection, but not copying, by the person in interest after any examination.
 - c. The contents of real estate appraisals relative to the acquisition of property or any interest in property for public use, until such time as title to the property has been transferred.
 - d. Personnel files. Such files shall be available to the person in interest and their supervisor.
 - e. Privileged information and confidential commercial, financial, geological or geophysical data.

f. Addresses, telephone numbers and personal information of users of public utilities, public facilities or recreational or cultural services.

3. If the custodian denies access, the applicant may:

a. Request a written statement of the grounds for denial.

b. Apply to district court for a hearing where the custodian must show cause for denying inspection.

Policies for Open Record Requests:

All Town records must remain at all times in the custody of the Town. Original or file copies shall not be released to anyone not in the employ of the Town.

Transcripts (verbatim) will be provided by court order only. An applicant has the option of obtaining a copy of any audio recording of a public meeting by making arrangements for duplication and paying the cost. Videotapes may also be copied at the applicant's expense.

The Town will not bill for copies or other services in conjunction with open records requests. Charges must be paid at the time of service.

The Open Records Act allows \$1.25 charge per page when copies are requested and provided, or the actual cost of preparation if the cost is greater. The actual cost may include, but is not limited to, the hourly rate paid to the employee conducting the research, cost of the physical medium of the document (e.g., tape or diskette) and the cost of retrieving the document from any off-site storage for inspection.

Hourly charges should be based on actual costs.

Cost per hour for research, retrieval and related services:

Town Attorney	\$140/hr.
Department Heads	\$ 40/hr.
Administrative Personnel	\$ 30/hr.
Certified Copies	\$ 1.25/page

The Division responsible for the requested record shall provide it to the Town Clerk so that the Clerk's office may make an appointment with the applicant for inspection within the time frame required.