

COLORADO OPEN RECORDS ACT POLICY FOR THE COLORADO OIL AND GAS CONSERVATION COMMISSION (REVISED JULY 1, 2014)

The Colorado Oil and Gas Conservation Commission (“Commission”) is committed to transparency and open government. The following policy specifies how the Commission will respond to requests for public records under the Colorado Open Records Act, C.R.S. §§ 24-72-201 to 206 (“CORA”) in a uniform and consistent manner. * This policy will help ensure the Commission complies with CORA in all respects and meets all of its constitutional and statutory duties to the People of Colorado in an orderly and expeditious manner. This policy is not intended to be duplicative of CORA or supersede state law.

This policy applies solely to public records requests where the Commission is the custodian of the requested records pursuant to CORA. Other state agencies may have different CORA policies.

Office procedure for handling CORA requests

All CORA requests made of the Commission by mail, fax, courier, e-mail or other means shall be immediately provided to the Commission’s legal counsel. All public records that may be responsive to specific requests shall be provided to the Commission’s legal counsel as soon as possible. The Commission or its legal counsel will respond to all CORA requests except in extraordinary circumstances.

The Commission shall accept only CORA requests made in writing or electronically via e-mail or fax. Records requests or requestors that cite the federal Freedom of Information Act shall be treated as though they were made pursuant to CORA.

When responding to a CORA public records request, the Commission shall make every effort to respond within three working days as required by § 24-72-203(3)(b), C.R.S. The Commission can add up to a seven-working-day extension if extenuating circumstances apply, as defined in § 24-72-203(3)(b), C.R.S. The three-day response time starts when a records request is in the Commission’s possession. A request received after 5 p.m. or any day the Commission is officially closed will be considered received as of the following business day.

No employee of the Commission shall modify, redact, destroy, discard, or omit any public records they are required to provide pursuant to this policy. Decisions about whether a public record must be provided in response to a specific request under CORA will be made by the Commission’s legal counsel.

When feasible, the Commission will provide electronic copies of public records. (see “The format of records produced” below). When responsive public records cannot be easily or cost effectively provided electronically, the Commission will schedule a time during regular Commission business hours when the requestor can inspect and copy the public records in person. The Commission is open from 9 a.m. to 5 p.m. Monday through Friday.

Fees for document retrieval, review, copies and release of records

When more than 25 pages of public records are responsive to a CORA request, or when more than one hour of staff time is required to locate or produce responsive public records, C.R.S. § 24-72-205(5)(a)

* This policy also shall generally apply to requests made pursuant to the Colorado Criminal Justice Records Act.

authorizes the Commission to charge for all copying expenses and reasonable, actual costs associated with staff time.

The charge for copying, if applicable, is \$0.25 per page for all pages copied. The charge for staff time, if applicable, is \$30.00 per hour for all staff time spent locating and producing public records after the first hour. There is no charge for the first hour of staff time. The \$30 an hour rate may be adjusted by the Director of Research of the Legislative Council per C.R.S. § 24-72-205(6)(b). The Commission also may charge an hourly rate greater than \$30 an hour when specialized document production or specialized skills are required to locate, compile or produce public records pursuant to a records request, including the use of third-party contractors. The costs charged to a requestor shall not exceed the actual cost of producing the records, per C.R.S. § 24-72-205(5)(a).

If the Commission anticipates more than 25 pages of public records will be responsive to a request and/or more than one hour of staff time will be required to locate and produce responsive public records, the Commission will provide a requestor with advance notice and an estimate of the copying and staff time costs. Full payment of such costs will be required before the responsive public records will be produced unless alternative arrangements have been made through the Commission's legal counsel.

The Commission retains full discretion to waive the copying and staff time charges authorized by C.R.S. § 24-72-205(5)(a).

The format of records produced

The Colorado Open Records Act guarantees that “all public records shall be open for inspection by any person at reasonable times, except as provided in this part 2 or as otherwise specifically provided by law” (C.R.S. § 24-72-201). The Colorado Open Records Act does not guarantee access to the documents in a specific format. When producing public records in a specific format would interfere with the regular discharge of duties of Commission employees (C.R.S. § 24-72-203(1)(a).) or unduly burden the Commission, legal counsel will determine the format in which responsive public records will be produced. Records maintained electronically may be produced electronically at the Commission's discretion; this may or may not mean records are provided in their native format.

The Commission may require that members of the public or press be allowed to review only copies of documents when the custodian of records determines that allowing access to originals could interfere with the regular discharge of duties of the Commission or its staff or production of original records could jeopardize the condition of the records.