

GRANBY SANITATION DISTRICT
PUBLIC RECORDS POLICY
(As amended through October 11, 2017)

The following policy is adopted by Granby Sanitation District (the “District”) with regard to providing access to, inspection, copying and delivery of public records:

- (1) Purpose: The Purpose of this policy is to (a) set forth a general policy and procedures for providing access to public records maintained by the District in compliance with the standards and requirements of the Colorado Open Records Act, C.R.S. § 24-72-200.1 *et seq.* (the “Act”); and (b) to establish reasonable and standardized fees for producing copies, research and retrieval, and information from the District’s maintained records as authorized by the Act.
- (2) Scope: This policy shall apply to all of the District’s records and copies of all information requested and/or released, as well as the research and retrieval of such records.
- (3) Policy: It is the policy of the District that all public records, as defined by the Act, shall be open for inspection at reasonable times in accordance with the Act and this policy. Public records are those records defined and described in the Act.
- (4) Procedure:
 - a. “Records Custodian” shall mean (i) the District Administrator as the official records custodian of all records which are maintained by the District, and (ii) the Operations Superintendent as custodian for all records maintained by the District with respect to District operations. Upon receipt of an open records request, the District Administrator may direct such request to the Operations Superintendent if such request relates to operations records.
 - b. Except as provided in Section (4)(c) of this policy, all public records as defined by the Act shall be open for inspection in the office of the custodian during the normal office hours observed by the District Administrator.
 - c. In accordance with the Act, which is controlling, the records custodian shall deny public access and inspection as provided in C.R.S. § 24-72-204. The following is a non-inclusive listing of documents and circumstances justifying denial public access and inspection: If inspection would be contrary to any State statute; if inspection would be contrary to any Federal statute or regulation; if inspection is prohibited by rules promulgated by the Supreme Court or by the order of any court; examinations for employment (except as made available for inspection by the party in interest); records submitted for applicants or candidates for employment, other than those submitted by applicants or candidates who are finalists for chief executive officer positions (if there are three or fewer applicants or candidates for a chief executive officer position who possess the minimum qualifications, they are all finalists and access to their submitted records may not be denied); real estate appraisals, until the subject property has been transferred; electronic mail addresses provided by a person to the District; specialized details of security arrangements or investigations and records of expenditures on security arrangements; medical, mental health, sociological, and scholastic achievement data (except as made available for inspection by the party in interest); personnel files (except as made available for inspection by the party in interest and the District official or employee who has direct supervisory capacity); trade secrets, privileged information, and confidential information or data; names, addresses, telephone numbers and personal financial information of past or present users of public utilities, public facilities, or recreational or cultural services; election records of any person; or where disclosure or public access would do substantial injury to public interest.

- d. In addition, in no event shall any inspection or documents requested pursuant to the Act contain any information that is exempt from disclosure, including without limitation, those items prohibited by the Act and any attorney-client privileged matters.
 - e. If the public records requested are in the custody and control of the records custodian, but are in active use, in storage or otherwise not readily available, and, therefore, not available at the time any applicant asks to examine them, the applicant may request a written statement to that effect. Upon written request of the applicant, on the form provided by the custodian, specifying exactly which documents are being requested, the custodial shall set a date and hour, within the following three (3) working days unless extenuating circumstances exist, at which time the records will be available for inspection. In the event that extenuating circumstances exist as defined by the Act, the custodial shall have seven (7) working days.
 - f. If a public record which is requested contains information which is exempt from disclosure (i.e., is not to be disclosed) under this policy or the Act together with information which may be disclosed under this policy or the Act, the records custodian shall not release such record. Except as determined by the records custodian, public records shall not be altered to permit disclosure where inspection of the public record without alteration would otherwise be contrary to this policy or the Act. The records custodian is not under a duty to create any new public record in response to a request.
 - g. In the event the records custodian has any questions regarding requests for public documents, such questions should be immediately directed to the District's legal counsel.
- (5) Copy, printout, or photograph of a public record – imposition of research and retrieval fee: In all cases in which a person has the right to inspect a public record, the person may request a copy, printout or photograph of the record. The custodian shall furnish a copy, printout or photograph of the record and shall charge a fee in accordance with this Section (5) of this policy and the Act
- a. If research and retrieval by the records custodian is necessary, the custodian shall charge a fee in the amount of \$30.00 per hour; provided however, that the custodian shall not charge any fee for the first hour of time expended in connection with the research and retrieval of public records.
 - b. The fee for all copies will be \$0.25 per standard page. The fee for copies of maps, plats and other oversized documents shall be charged at the actual costs of the District.
 - c. The following procedures shall apply if a request is made to receive a copy of a public record in a digital format: (i) If the public record is stored in a digital format that is neither searchable nor sortable, the custodian shall provide a copy of the public record in a digital format; (ii) If the public record is stored in a digital format that is searchable but not sortable, the custodian shall provide a copy of the public record in a searchable format; (iii) If the public record is stored in a digital format that is sortable, the custodian shall provide a copy of the public record in a sortable format. The custodian is not required to produce a public record in a searchable or sortable format if: (A) producing the record in the requested format would violate the terms of any copyright or licensing agreement between the custodian and a third party or result in the release of a third party's proprietary information; or (B) after making reasonable inquiries, it is not technologically or practically feasible to permanently remove the information that the custodian is required or allowed to withhold within the requested format, it is not technologically or practically feasible to provide a copy of the record in a searchable or sortable format, or if the custodian would be required to purchase software or create additional programming or functionality in its existing software to remove the information. If the custodian is not able to comply with a request to produce a public record that is subject to disclosure in a requested format specified in this subsection (5)(c), the custodian shall produce the record in an alternate format or issue a denial

under C.R.S. § 24-72-204 and shall provide a written declaration attesting to the reasons the custodian is not able to produce the record in the requested format.

- d. The records custodian may also charge a fee for facsimile transmission of any public documents requested by a person. The fee for facsimiles shall be \$1.00 per page; provided, however, that no more than five (5) pages will be mailed. In the case of United States mail or other delivery service, the fee shall be the amount of the actual charge levied by the delivery provider. There shall be no fee for transmitting public records via electronic mail.
- e. The custodian will produce copies of photographs charging \$0.25 for computer printouts of photographs and actual costs for film development.
- f. Copies of videotapes/DVDs will be provided at the actual costs of the District for copying the same.
- g. All other actual expenses of the District resulting from an open records request shall be paid by the requester at the District's actual cost for replicating the same.
- h. The records custodian may condition delivery of the public records upon (i) payment of the all lawful fees due pursuant to this policy and the Act, or (ii) arrangements satisfactory to the custodian for the payment of the all lawful fees due pursuant to this policy and the Act. If it is anticipated that research and retrieval charges and other charges to respond to a request will exceed \$30.00, the custodian may require payment of a deposit in the amount of the anticipated charges before conducting any necessary research and retrieval or otherwise preparing the response to the request.

ADOPTED this 11th day of October, 2017, by the Board of Directors of Granby Sanitation District.

/s/ Casey Farrell
Secretary