

**POLICY TYPE: Operations**

**POLICY TITLE: Open Records and  
Public Information Requests**

**POLICY 3.1.9**

**EFFECTIVE DATE: May 1, 2006  
Revised July 1, 2014  
Per House Bill 14-1193**

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Pitkin County is a public entity and most of the documentation and records we maintain are public in nature and available to the public for review and copying. Requests for review and/or copying of public records may be directed to board members and staff. Staff should contact the County Attorney if they have questions regarding the statutes and procedures required in responding to any such requests.

Accordingly, the following procedures apply:

1. Documents and records consist of any maintained record in a paper, digital, or audio/video format such as staff notes, records of staff meetings, interoffice memos, e-mail messages, research and communications to and from members of the public and audio or video tapes of meetings. These are all public records, unless they fall within statutory exceptions.
2. When a member of the public walks in and makes a simple request to review a document or records, staff should be able to handle such a request when it is made.
3. For the requests that are in writing, unusual, burdensome, or otherwise of concern, the response may need to be in written form to demonstrate adherence to statutory requirements. Having the request itself in written form is the best way to document what has been requested and the timeliness of the response. Any staff member receiving such a request must immediately bring the request to the attention of his/her supervisor. The County Attorney should be contacted immediately if there are any questions about how to respond.
4. A response to a written request for public records should also be in writing and must be made within three business days or less, C.R.S. § 24-72-203(3)(b).
5. Per House Bill 14-1193: In order to defray the cost of the production of public records to individual requesting parties and not overly burden the County general or special funds with undue expenses, the County establishes a fee of \$30 per hour for research and retrieval time to gather public documents associated with a request for production. The first hour of time shall not be charged.
6. A response to a request for public records may be in one of the following five forms:
  - a. The staff person to whom the request is directed is not the custodian of the records sought. In this circumstance, to the best of staff's ability, the written response must indicate who the custodian is.

- b. The request is so vague that staff is unable to determine what records are being requested. The written response should indicate that staff will respond once the request has been adequately clarified.
  - c. The records are available and the person requesting them may come in to the office during regular business hours to inspect them. The response should also indicate that if copies are requested during the inspection, a copying charge consistent with the County rate will be collected.
  - d. The information sought is not available as it is protected or confidential under the Public Records Act. The County Attorney must be consulted before this response is given.
  - e. The records are of a nature that they are either so voluminous or so scattered in different locations that the request cannot be complied with within three business days. This response should include how much time it will take to assemble the records for inspection and the cost of that assembly. The requesting party should also be advised that the record will be sent only upon receipt of payment for all costs associated with research and retrieval of the records and for all other fees lawfully allowed, unless all or any portion of such costs or fees have been waived by the custodian.
7. In addition to the research and retrieval costs allowed by HB14-1193, the custodian may charge a fee not to exceed twenty five cents per standard page for a copy of a public record or a fee not to exceed the actual cost of providing a copy, printout or photograph of a public record in a format other than a standard page.
8. Response to a request for public documents must be pursued diligently. Such diligence is best demonstrated by a clear **written** communication with the requesting party.
9. Staff must exercise caution in allowing public inspection of records, as we are under a continuing obligation to maintain many of our records. Inspection of records should be supervised whenever possible.
10. There are a number of exceptions to what records may be disclosed. The County Attorney's office must be consulted before any records are being withheld based on exceptions, and staff should be cognizant of what records should not be readily available to the public. The more notable exceptions are:
- a. Attorney-client communications. All materials coming from the County Attorney's Office to individual staff members regarding items of concern should not be available to the public. This includes written memoranda and email communications.
  - b. Personnel files. Generally, personnel files are not available to the public.
  - c. Investigation files in the possession of Social Services or the Sheriff's Office should not be available to the public.
  - d. Records of sexual complaints and investigations are only available to an administrative agency investigating the complaint upon a showing of necessity. Disclosure of records of sexual harassment complaints and investigations is permissible to the person making the complaint or who is the subject of such a complaint only to the extent that the disclosure can be made without permitting the identification of any individual involved.

- e. Military records filed with a county clerk and recorder's office concerning a member of the military's separation from the separation from military service are only available to the military service member, or, if deceased, to family members.
  - f. Records of executive session discussions of the Boards of the County are not public.
  - g. Electronic mail addresses provided to the County for the purpose of receiving future e-mail communications from the County are not available to the public.
  - h. Social Security numbers shall not be included on any document issued by the County, including licenses, permits, passes and certificates, nor shall social security numbers be requested over the phone, internet or by mail.
  - i. Library records that disclose the identity of an individual are not available to the public.
  - j. Information contained in motor vehicle records, including title applications and motor vehicle registrations, are not available to the public.
11. The County Attorney's Office may be contacted whenever staff has questions about this policy.