

	<b>Policy on Responses to Public Records Requests</b>	<b>Responsible Administrative Unit:</b> Office of Legal Services
	<b>Issued:</b> August 27, 2014  <b>Revised:</b>	<b>Policy Contact:</b> Anne Stark Walker General Counsel aswalker@mines.edu

## 1.0 BACKGROUND AND PURPOSE

The following constitutes the policy of the Colorado School of Mines (“Mines” or “university”) regarding response to requests for inspection and copies of “public records” as that term is defined under the Colorado Open Records Act (“CORA”), C.R.S. § 24-72-200.1 *et seq.* The provisions of this policy set forth the university’s rules for the inspection of public records in the custody or control of Mines. These rules are reasonably necessary for the protection of such records, and the prevention of unnecessary interference with the regular discharge of the duties of the Mines’ records custodian or the custodian’s office.

## 2.0 POLICY

This policy applies to all requests pursuant to C.R.S. § 24-72-200.1, *et seq.*, to inspect public records in the custody or control of the university. Please be advised that Mines is not obligated to act upon a CORA request unless and until the request meets the requirements of this policy.

### 2.1 Requirements for Requests to Inspect Public Records in the Custody or Control of the Colorado School of Mines

- a. All requests must be submitted in writing to Mines’ Office of Legal Services, which will direct requests to the appropriate custodian of the relevant records.
- b. Requests may be delivered via mail, courier or facsimile. Requests sent via electronic mail will not automatically be accepted. Due to spam filters and similar computer software, the university cannot guarantee that an e-mail request has been received by the custodian. Should Mines accept an e-mail request, the statutory time for response will begin when Mines provides confirmation to the requesting party.
- c. All requests for records must be specific as to the records sought and the relevant dates. Requests for correspondence must identify the parties to the correspondence. For any request that is vague or broadly stated, the custodian may require the requesting party to provide a more specific request.
- d. The university is not required by CORA to construct or create a record that does not exist. Additionally, the university is not required to

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reformat or analyze information in a new way in order to respond to a request.

- e. Time for response to CORA requests that comply with this policy shall be as follows:
  - 1) The normal time for production shall be three (3) working days, beginning on the first business day after the request is received by Mines.
  - 2) Such periods may be extended upon determination by Mines that extenuating circumstances exist. Such period of extension shall not normally exceed seven (7) working days. The requesting party shall be notified of the extension within the original three-day period.
  - 3) These time periods for responding to requests shall **not** apply to (a) requests that do not comply with this policy, (b) requests that are so broad or burdensome they interfere with university employees' regular work duties, or (c) requests for which the requesting party has failed to pay the appropriate charges.
- f. Requests to inspect records shall not take priority over the regular work activities of university employees.
- g. If a requesting party wishes to inspect available records in advance or in lieu of receiving copies, such inspection shall be by appointment only during normal working hours. Such inspection shall occur on-site and may be supervised by a university representative.

## 2.2 Charges for Copies of Requested Records

- a. The normal cost for requested documents shall be \$.25 per page or, for documents in non-standard formats, the actual duplication costs.
- b. At Mines' prerogative, the requesting party may also be charged a reasonable research, retrieval and review fee based on the actual cost of responding to the request; provided, however, that the hourly rate for employee time expended in connection with the research, retrieval and review of records shall not exceed \$30 per hour. There shall be no charge for the first hour of employee time. When additional research and retrieval fees are charged under this provision, copying shall be billed at a rate of \$.25 per page.
- c. Where the record is a result of computer output other than word processing, the requesting party will be charged, unless waived or

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reduced by Mines, the actual incremental costs of providing the electronic services and products, together with a reasonable portion of the costs associated with building and maintaining the information system.

- d. While not required, Mines may choose to reformat or analyze information in a new way in order to respond to a request. Where the record is a result of such reformatting or analysis, the requesting party will be charged, unless waived or reduced by Mines, the actual costs of creating the record.
- e. Unless waived by Mines, the requesting party will be charged the cost of transmitting the records to the requesting party by United States mail or other delivery service. If records are transmitted by e-mail, no fee will be charged for such transmission.
- f. Mines will not transmit any records to the requesting party until full payment for the appropriate fees has been received.
- g. If charges are expected to exceed \$25, Mines will provide the requesting party with an estimate of the cost of responding prior to responding and may require a deposit. If the requesting party wishes to proceed once receiving an estimate, he or she must confirm this in writing. By providing this written confirmation to proceed, the requesting party agrees to pay all fees associated with responding to the request. The time between the date of Mines' cost estimate and the date Mines receives a written confirmation to proceed will not be counted against the time period set forth above.

### 2.3 Mines Contact for Records Requests

In addition to any requirements under this policy and CORA, a request must include the requesting party's name, and mailing and e-mail addresses, and must be sent to the following:

Office of Legal Services  
Colorado School of Mines  
1500 Illinois Street  
Golden, CO 80401  
Fax: 303-273-3289  
Email: [Openrecordsrequests@mines.edu](mailto:Openrecordsrequests@mines.edu)

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### 3.0 IMPLEMENTATION AND OTHER RESOURCES

Subsequent to the approval of this policy, if CORA or other related and relevant legislation is amended, Mines' policy will be applied consistent with the provisions of any such amendments.

Questions about the interpretation or application of this policy should be raised with the Office of Legal Services, which shall administer and oversee the implementation of the policy in a manner that best achieves its goals.