

## Colorado – State Public Record Laws

<b>Citations</b>	<p>Colorado Open Records Act, C.R.S. 24-72-201 to 24-72-309  <a href="http://www.sos.state.co.us/pubs/info_center/files/CORA_Act.pdf">http://www.sos.state.co.us/pubs/info_center/files/CORA_Act.pdf</a></p>
<b>Exemptions to Disclosure</b>	<p>Public records do not include:</p> <ul style="list-style-type: none"> <li>• Work product. Work product means all intra- or inter-agency advisory or deliberative materials assembled for the benefit of elected officials, which materials express an opinion or are deliberative in nature and are communicated for the purpose of assisting such elected officials in reaching a decision within the scope of their authority. Such materials include, but are not limited to notes and memoranda that relate to or serve as background information for such decisions; preliminary drafts and discussion copies of documents that express a decision by an elected official.</li> <li>• An e-mail message must be for use in the performance of public functions or involve the receipt of public funds. A message sent in furtherance of a personal relationship does not fall within the definition. The fact that a public employee or public official sent or received a message while compensated by public funds or using publicly owned computer equipment is insufficient to make the message a "public record". <i>Denver Publ'g Co. v. Bd. of County Comm'rs</i>, 121 P.3d 190 (Colo. 2005).</li> <li>• §24-72-204 states that the custodian may deny a person's right to inspect records such as "the specific details of bona fide research projects being conducted by a state institution, including, without limitation, research projects undertaken by staff or service agencies of the general assembly or the office of the governor in connection with pending or anticipated legislation;" and</li> <li>• Trade secrets, privileged information, and confidential commercial data;</li> <li>• Records protected under the common law governmental or "deliberative process" privilege, if the material is so candid or personal that public disclosure is likely to stifle honest and frank discussion within the government;</li> <li>• Veterinary medical data, information, and records on individual animals that are owned by private individuals or business entities, but are in the custody of a veterinary medical practice or hospital, including the veterinary teaching hospital at Colorado state university, that provides veterinary medical care and treatment to animals;</li> <li>• Email addresses provided by a person to a state institution for future communications may be exempt if disclosure is contrary to "public interest"</li> </ul>
<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• All persons</li> <li>• Custodian can make rules re: inspection that are reasonably necessary for the protection of such records and the prevention of unnecessary interference with the regular discharge of the duties of the custodian or the custodian's office</li> <li>• Reasonably prompt response to request for records (w/in 3 business days) – extenuating circumstances must be explained</li> <li>• In no event can extenuating circumstances apply to a request that relates to a single, specifically identified document.</li> <li>• Can request reasons for denial of access</li> <li>• Fees - § 24-72-205, amended by 2014 Colo. Legis. Serv. Ch. 142 (H.B. 14-1193) (WEST); can't exceed \$0.25 per page for copy of the record, or fee not to exceed actual cost of providing copy in whatever format it is provided</li> </ul>

	<ul style="list-style-type: none"> <li>• Possession by public entity doesn't render record public</li> <li>• If records are not immediately accessible/available the "reasonable" amount of time for their delivery is 3 business days or less</li> <li>• Can't exceed 7 business days</li> <li>• No fee for email transmission</li> </ul>
<b>Destruction of Public Records</b>	<ul style="list-style-type: none"> <li>• 24-80-103 et seq states that record custodians must periodically consult with the department of personnel and the attorney general of the state to determine whether the records in question are of legal, administrative, or historical value. Those that do not can be destroyed, after a list of such documents is compiled, and the custodian, department of personnel and AG certify that this law has been complied with.</li> <li>• Custodian must consult with the department of personnel and they will determine whether the records are of legal, administrative, or historical value. Records that do not fall within one of those classifications will be disposed of according to the officer.</li> <li>• A list of all of the disposed records along with a statement certifying compliance signed by the officers must be filed and kept in the office that the records were taken from.</li> </ul>