

## City of Englewood

# Open Records Request Policy

The City Clerk is the "official custodian" of all City Records, with the exception of Criminal Justice Records.

The City Clerk or Deputy City Clerk will certify records.

Each department is the "designated custodian" of records in their "personal custody and control".

If a department or Council member receives an Open Records Request, it is the responsibility of the individual department or Council member to comply. These may be forwarded to the City Clerk for certification, if necessary.

If you have a question as to whether a record falls under the Open Records Act, contact the City Attorney's Office.

If it appears that the request is for purposes of solicitation, contact the City Attorney's Office for assistance in responding, as this is an exception to the Open Records Act for criminal justice records. (CRS § 24-72-305.5)

The City of Englewood must respond to Open Records Requests within three working days or, in the case of extenuating circumstances, the response period may be extended by seven working days.

The day the request is received does not count as a day, neither do weekends nor City of Englewood recognized holidays.

CRS § 24-72-203 (3) (b) - "The date and hour set for the inspection of records not readily available at the time of the request shall be within a reasonable time after the request. As used in the subsection (3), a "reasonable time" shall be presumed to be three working days or less. Such period may be extended if extenuating circumstances exist. However, such period of extension shall not exceed seven working days."

A finding of extenuating circumstances shall be made in writing by the "designated custodian" and shall be provided to the person making the request within the three-day period. Refer to the Statutes to determine if extenuating circumstances apply.

Open Records research fee: \$25.00 per hour, after the first hour. Black & white copy fee: 10 cents per page. Color copy fee: 35 cents per page. Total copy charges of \$5.00 and under will be waived. A page is considered one side. These fees are for "standard pages". CRS § 24-72-205 (5) (a) states that if the record is in a format other than a standard page, the fee cannot exceed the actual cost of providing the record. CD/DVD: \$5.00 EACH. Staff will provide an estimate of the cost of research time and the cost of copies involved and a 50% deposit will be required prior to processing the request.

A modification of the request is considered a new request.

When responding to Open Records Requests, redact (remove/black out) all confidential information, e.g. signatures, date of birth, e-mail addresses provided to the City of Englewood, on the copies that you release. Make sure your original copies retain the confidential information. You may attach a note to the records request stating that the confidential information has been redacted in an effort to comply with laws established to protect personal identifying information.

The City of Englewood will not proceed with a new Open Records Request unless full payment has been received for all previous Open Records Requests.

The attached request form is an example of a method you may use to document the request. If you choose to use the form, you may amend it.

/s/ Loucrishia A. Ellis  
Loucrishia A. Ellis, City Clerk

July 8, 2009  
Date