

ADOPTED: _____, 2012

CITY OF ENGLEWOOD HOUSING AUTHORITY

Policy and Procedures Regarding Public Review of Records Under the Colorado Open Records Act

Policy Name:

Public Review of Records Policy Under the Colorado Open Records Act (Section 24-72-201 *et seq.*, Colorado Revised Statutes (2003)) (“CORA”), as amended.

Objectives:

1. To provide the public with timely, orderly, and efficient access to all public records maintained by the City of Englewood Housing Authority (“Englewood Housing Authority” or “EHA”), in accordance with CORA and applicable federal regulations.
2. To ensure that all requests are handled uniformly under the law.
3. To provide procedures that ensure the integrity and safety of the records.
4. To define the process for public review requests.

Public Records:

EHA adopts the definitions relating to public records as provided by law under CORA, and as not otherwise superseded by applicable federal law or regulation. Any amendments to CORA or to applicable federal law or regulation with respect to definitions shall be deemed an amendment to this Policy and shall have the same effective date.

To the extent that EHA operates or maintains an electronic mail (email) communications system, all use of such system shall be for operation and management of Housing Authority business only, and such use may from time to time be monitored by the Executive Director or the Board Chair, or their designees, at their discretion.

Correspondence of employees of EHA in the form of electronic mail may be a public record under CORA and may be subject to public inspection under CORA.

Procedures:

1. Review of public records will generally be scheduled during the business hours of 9:30 a.m. to 3:00 p.m. Monday through Friday. EHA is closed for business on the following holidays: New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Day after Thanksgiving, Christmas Eve, and Christmas Day.
2. Each request to review public records maintained by EHA shall be in writing and delivered via U.S. mail or hand-delivery to:

*Open Records Request,
Executive Director,
Englewood Housing Authority
3460 S Sherman St, Ste 101
Englewood, CO 80113-2664*

or faxed to 303-781-5503. Requests shall not be made via e-mail and e-mails will not be accepted as valid requests. All requests must include the following information: date, requestor's name, company name, if applicable, address, telephone number, any reasonable accommodation the requestor needs, and type of record(s) and the actual records requested. Requests must be specific as to the information requested. An e-mail address and fax number may be provided, if requestor desires. A recommended form for "Request for Public Records" is attached to this Policy as Attachment A.

3. Upon receipt of the request, EHA staff will take the following actions:
 - a. Review EHA records for the information requested. In order to aid the requestor's review, EHA staff may ask relevant questions related to the information requested in order to further define the search; however, EHA staff will not define specific searches for the requestor.
 - b. Determine whether all records are available and contact the staff necessary to coordinate access to any records they may have related to the request.
 - c. Gather all records in EHA's possession for review.
 - d. Contact the requestor to schedule an appointment for review and determine the type of reasonable accommodation needed, if applicable.
4. EHA staff will respond to all public review requests within a reasonable time after the request is received (presumed by law to be three (3) working days) unless the request for records is voluminous, overly broad and/or the records are not otherwise readily available within three (3) working days. In that case, EHA will advise the requestor, in writing, within three (3) working days after receipt of the request, that the records are not readily available and EHA will need an additional seven (7) working days to produce the records (for a total period of ten (10) working days) or within said three (3) working day period, EHA will make arrangements with the requestor to produce the documents as soon as is reasonable and practical.

5. Records must be reviewed on EHA premises and will be viewed only in the room designated by EHA.
6. At the time of the review all requestors must provide photo identification such as driver's license or state photo ID, prior to the review. EHA staff will retain the identification until the requestor has completed the review.
7. No records are to be removed from or added to the records, nor shall such records be altered or defaced in any way.
8. All copies of records must be made by EHA staff. The requestor must complete his/her records review before any copies will be made. Upon completion of the review the requestor must mark the pages he/she wishes to have copied with post-it notes and multiple pages must be clipped together. Copies will be made at a later date by EHA staff or by a third party vendor, depending upon the volume.
9. The requestor shall not bring and shall not use photocopiers, fax machines, or any other copying, scanning or reproduction devices to copy EHA records.
10. An EHA employee must be present in the room at all times during the requestor's review of the records.
11. Charges for copying will be \$ 0.25 per standard page. If the requested record is copied or otherwise produced in a format other than a standard page, then the fee for copying shall be the actual cost of producing such copies. All copying services must be prepaid by cash, cashier's check, or money order made payable to the "City of Englewood Housing Authority" **before** EHA staff will copy the records. No credit cards are accepted and no billing of third party vendor's services will be done by EHA. The requestor will be notified when the copies are available for pick up.
12. EHA will hold copies for the requestor for ten (10) business days after written notice has been provided to the requestor that such copies are ready for pick-up. After that, the copies will be destroyed and the requestor will not be entitled to a refund and will have to pay for a new set of copies to be made.
13. Special requests for records in electronic format will be reviewed to determine the volume of the request, the staff time required to produce the record, and the type of format in which to deliver the record, before setting a fee for production. Once the fee has been determined, it must be paid in cash, cashier's check or money order made payable to the "City of Englewood Housing Authority" **before** EHA staff will assemble the records. No credit cards are accepted and no billing of third party vendor's services will be done by EHA. The requestor will be notified when the electronic information is available for pick-up.

14. Certified copies of records will be made upon written request for an additional fee of \$1.00 per page; however, an additional five (5) working days is needed to provide certified copies of records. Requestor must also pay for copying services, in accordance with paragraph 12 above, except as provided in §24-72-112, C.R.S. (2003) (Public Records Free to Servicemen).
15. Information requests will not take priority over previously scheduled work activities of EHA.
16. EHA reserves the right, in its sole discretion, to levy a reasonable fee for research and retrieval services.
17. EHA reserves the right to waive any part or all of the requirements outlined above, in its sole and absolute discretion, for requests made by governmental entities.
18. For purposes of defining notice provisions under this Policy, written notice shall be deemed effective when such notice is deposited in the U.S. Mail, first class postage prepaid.

UNDER COLORADO LAW, §18-8-114 C.R.S. (2003), IT IS A CLASS 1 MISDEMEANOR FOR ANY PERSON TO KNOWINGLY MAKE A FALSE ENTRY OR ALTER ANY PUBLIC RECORD OR TO DESTROY, MUTILATE, CONCEAL, REMOVE, OR IMPAIR THE AVAILABILITY OF ANY PUBLIC RECORD.

ATTACHMENT A

REQUEST FOR PUBLIC RECORDS

City of Englewood Housing Authority

I request that the City of Englewood Housing Authority make the following public records available for my review:

I understand that I am financially responsible for payment of all the costs for producing records in an electronic format, for researching and retrieving records or for copying these public records, by cash, cashier's check or money order, made payable to the "City of Englewood Housing Authority" before EHA staff will assemble or copy the records, as appropriate.

Requestor: _____
Print Name (required)

Company Name: _____
Company Name (if applicable)

Signature: _____
Sign Name (required)

Address: _____
(required)

City/State/Zip: _____
(required)

Phone Number: _____
(required)

E-Mail Address: _____
(optional)

Date: _____
(required)