

PUBLIC RECORDS REQUESTS

- 1.0 This policy shall apply to requests from parents, community members, media organizations, and other third parties (hereafter referred to as “requesters”) for public records maintained by the District.
- 2.0 “Public records” include all writings made, maintained, or kept by the District for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds. “Writings” is defined to include all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials, including digitally stored data and emails. “Public records” described by this policy do not include education records of current or former students enrolled in the District or personnel records of current or former employees. Access to and production of education records shall be in accordance with District Policy 5300.
- 3.0 **Process for Requesting Records:**
 - 3.1 Before submitting a request for records pursuant to this policy, requesters should refer to the District’s website, <https://www.adams12.org> to see if the information sought is posted therein, such as information pertaining to the Board of Education and the District’s finances. Requesters should also refer to the District’s online, searchable policy database, located at <https://www.adams12.org/our-district/search-policies>. For more information regarding public records requests under Colorado’s Open Records Act (“CORA”), please refer to the District’s webpage on this subject, located at <https://adams12.org/our-district/cora-requests>.
 - 3.2 For the fastest and best response, Each request must be as specific, clear and narrow as possible. Requests should include:
 - 3.2.1 subject matter, in the most descriptive terms possible;
 - 3.2.2 date range for search;
 - 3.2.3 specific type(s) of records requested (emails, documents, reports, etc.)
 - 3.2.4 names of titles/positions of employees; and
 - 3.2.5 other information that will help the District respond to the record request.
 - 3.3 Requests to inspect public records must be in writing to the District’s records custodian. Requests may be mailed to:

Records Department – open records request
Adams 12 Five Star Schools
1500 E. 128th Ave.
Thornton, CO 80241
 - 3.4 Alternatively, requests may be submitted electronically by completing the online submission form located on the District’s CORA webpage, <https://adams12.org/our-district/cora-requests>.
 - 3.5 As a general matter, the District will neither accept nor respond to requests for public records that are submitted via email. The reason for this rule is that, due to the District’s spam filters and staff turnover resulting in inactive or incorrect email information, the District cannot guarantee that such requests will be received.
 - 3.6 Requests to inspect public records may not be made by phone.

4.0 Responses to Requests.

- 4.1 The District has no duty to create a public record that does not already exist. Likewise, general questions and requests for information that are not recorded or documented are not requests for “public records” as defined by state law. Therefore, the District is not required to respond to them according to CORA’s specifications.
- 4.2 If the District stores the public record in a digital format, the District must provide a copy of the record in a digital format. Public records stored in a searchable format must be provided in a searchable format. However, public records do not need to be provided in a searchable or sortable format if any of the following exceptions apply:
 - 4.2.1 producing the record in the requested format would violate the terms of a copyright or licensing agreement;
 - 4.2.2 producing the record in the requested format would result in the release of third party proprietary information; or
 - 4.2.3 after making reasonable inquiries, the District’s records custodian determines that:
 - 4.2.3.1 it is not technologically or practically feasible to permanently remove information that the District is required or permitted to withhold;
 - 4.2.3.2 it is not technologically or practically feasible to provide a copy of the record in a searchable or sortable format;
 - 4.2.3.3 producing the record in a searchable or sortable format would require the purchase of software, or the creation or additional programming or functionality in existing software, to remove information the District is required or permitted to withhold.
- 4.3 The District will respond, in writing or otherwise, within three (3) working days, beginning on the first working day after the request is received, of the request with one of the following responses:
 - 4.3.1 Requested records are ready to be inspected at the requester’s earliest convenience.
 - 4.3.2 Requested records are not in the custody or control of the records custodian including, to the best of the custodian’s knowledge and belief, the reason for the absence of the records, the location of the records, and the person(s) who may have custody or control of the records, if known.
 - 4.3.3 Requested records are in active use, in storage, or otherwise not readily available, including a date and hour, generally within three (3) working days, beginning on the first working day after the request is received, barring extenuating circumstances, at which time the records will be available for inspection.
 - 4.3.4 Requested records will take longer to prepare for inspection, up to seven (7) additional working days as permitted by statute, because of extenuating circumstances for one of the following reasons:
 - 4.3.4.1 The request is broadly stated and encompasses all or substantially all of a large category of records and the request is without sufficient specificity to allow the custodian reasonably to prepare or gather the records within the three-day period;

- 4.3.4.2 The request is broadly stated and encompasses all or substantially all of a large category of records and the custodian is unable to prepare or gather the records within the three-day period because:
 - 4.3.4.2.1 The District needs to devote all or substantially all of its resources to meeting an impending deadline or period of peak demand that is either unique or not predicted to recur more frequently than once per month; or
 - 4.3.4.2.2 The request involves such a large volume of records that the custodian cannot reasonably prepare or gather the records within the three-day period without substantially interfering with the custodian's obligation to perform the custodian's other public service responsibilities.
- 4.3.5 The requested record does not exist, or would require the custodian to manipulate existing records or data into a new record.
- 4.3.6 Requested records are not subject to public inspection under CORA.
- 4.4 If the request is too broad or vaguely worded, the District may respond within three (3) working days with a request for clarification, which shall be in writing. The request for clarification shall include:
 - 4.4.1 a brief explanation;
 - 4.4.2 the name of a contact or point person in charge of responding to the request; and
 - 4.4.3 in some cases, an estimate of the District's costs in responding to the request "as is."
- 4.5 The requester must notify the records custodian if the requester wishes to have printed copies of the requested records, rather than just the opportunity to inspect them or receive them electronically. Copies of records will be provided at \$.25 per page; copies of other writings will be provided for the actual cost of duplication. The records custodian may waive fees in the amount of \$5.00 and less in the custodian's discretion. If the location of specific records must be researched or the records must be redacted, retrieved, sorted or reviewed for applicability to the request, the District will charge a reasonable research and retrieval fee of \$40.00 per hour after the first hour. Multiple requests by the same party within 30 days will be charged as one request. "Research and retrieval" includes but is not limited to the following activities:
 - 4.5.1 searching physical or electronic files to locate relevant records;
 - 4.5.2 photocopying, scanning or printing records; and
 - 4.5.3 other activities required to locate records and make them accessible to the requester.
- 4.6 The District shall not charge a transmission fee when sending public records electronically, except when printing is required, as noted above. If possible, the District will attempt to transmit the requested public records electronically. If the cost of converting the public records to electronic form exceeds the costs of transmitting hard copies of the records based on the \$40.00 per hour fee, the District will transmit hard copies instead.

- 4.7 The District will ordinarily include an estimate of the costs associated with responding to a records request in its initial response to the requester, unless the requested records are not subject to disclosure. The estimate shall include the costs associated with responding to the request and estimated research and retrieval fee, if any. The requested records will not be copied, retrieved, redacted or manipulated until payment is received from the requester. Upon receipt of payment, unless extenuating circumstances exist as described in section 4.3.4 above, the records will be electronically transmitted or made available to the requester no more than three (3) working days after such payment.
- 4.8 The records custodian shall designate a time and location within the office for inspection of the public records and may require the requester to set an appointment to review the records. The records custodian shall take reasonable measures, which may include the presence of a District employee during the period the records are inspected, to protect against destruction, loss, or misfiling of the records.
- 4.9 Requester will appear to inspect or pick up copies of the requested records. The records custodian will transmit requested records by mail or hand delivery upon prepayment by the requesting party of the copy costs, research and retrieval fee, and postage costs (if applicable).

LEGAL REFERENCES:
C.R.S. 24-72-201 et. seq.

CROSS REFERENCE:
Policy 5300

Adams 12 Five Star Schools

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