

KIOWA WATER & WASTEWATER AUTHORITY (KWWA) RULES GOVERNING ACCESS TO PUBLIC RECORDS

Under the Colorado Open Records Act, CRS § 24-72-200.1 (the "Act"), public records made, maintained, or kept by the KWWA, regardless of format or medium, are open for inspection by the public at reasonable times. Certain records are specifically exempted from inspection by the Act or other Colorado law and all records are subject to the following rules adopted by the KWWA to maintain the integrity of KWWA's records, account for costs to KWWA of complying with requests and prevent unnecessary interference with KWWA operations. Reasonable requirements, consistent with these rules and the Act, may be established by the custodian of records with respect to requests as necessary and appropriate.

1. Submission of Records Requests

- a. Requests must be submitted in writing on the form provided by KWWA or on a separate writing clearly indicating that the request seeks public records under the Act.
- b. Requests must be submitted to the Authority Secretary, who is the official custodian of KWWA records (other than criminal justice records).
- c. Requests must be made with sufficient specificity to permit the efficient identification, collection, and evaluation of records. For example, to the extent available, specific requests should include information such as the record's name or title, location(s), date(s), author(s), recipient(s), specific subject matter, or category of records. Requests that are not sufficiently specific may be denied, or the KWWA may request clarification regarding the request. The KWWA may deem a request abandoned if requests are not clarified to include such.
- d. Requests (or portions of requests) that seek records that are not yet in existence, that seek disclosure on a continuing or periodic basis, that are not KWWA records, or that consist of interrogatories, editorials, or other similar comments will not be fulfilled.
- e. The KWWA may reject a request where the request or any communication relating to the request includes harassing, threatening language, or abusive conduct.
- f. The KWWA will deem a request as abandoned if, after ten business days, the requestor has not reviewed records made available for inspection, retrieved records by the KWWA in response to the request, or submitted payment for the identification, collection, evaluation, and copying of records. At such a time, any original record will be returned to its normal place and copies will be destroyed.

2. Responses to Records Requests

- a. Upon receipt of a complete and properly submitted records request, the KWWA will strive to provide a response within three business days, excluding holidays. Record requests shall not take priority over the previously scheduled work activities of the KWWA. If the KWWA cannot respond to the request within three business days, the requestor will be notified and provided with an estimated timeframe for when the response will be fulfilled.

- b. The KWWA may respond to a records request by: (a) providing the requested records; (b) making the requested records available for inspection; (c) denying the request; (d) responding that there are no records responsive to the request; (e) requesting clarification or narrowing the request; (f) providing a cost estimate to respond to the request and requesting a deposit in accordance with this policy; (g) any combination of these; or (h) any other appropriate response.
- c. Conferral between the requestor and the KWWA is encouraged throughout the entirety of this process.
- d. The KWWA is not required to create a document or collect documents from other entities in order to respond to a request for information. For example, a person denied access to certain records because of the attorney client privilege requests a "log" listing all such privileged records. Such a log is not a record the KWWA maintains, and the KWWA has no obligation to create such a record. Nonetheless, the KWWA may choose to create such a record and may charge the requestor associated actual costs.
- e. Pursuant to C.R.S. § 24-72-204 (3)(a)(II)(A) personnel files will not be disclosed. Pursuant to Federal IRS tax code 6103, tax information such as W-2s, W-4s, I-9s, and 1099s will not be disclosed.

3. Inspection and Copying of Records

- a. The KWWA shall always retain control of the records. Inspection is subject to the supervision of all appropriate records.
- b. Records are generally available for inspection by appointment from 9:00 a.m. until 12:00 p.m. and 1:00 p.m. until 4:00 p.m., Monday through Wednesday, except during any holiday observed by the KWWA or according to different hours of operation.
- c. The KWWA will not allow requestors to access KWWA computers that are not ordinarily available for use by the public.
- d. The KWWA may charge reasonable fees to produce records, including without limitation the cost of copying or reproduction and time spent by the KWWA (through its employees or any third parties) to identify, collect, evaluate, redact, format, and reproduce records, prepare responses and privilege logs, or otherwise respond to the request.
 - I. A fee of twenty-five cents (\$0.25) per standard page (8.5"x11) per side in black and white will be charged for the reproduction of paper records. Thirty-five cents (\$0.35) per standard page per side will be charged for color copies. If a commercial copy service is necessary to produce copies at the KWWA's discretion, the requestor is responsible for paying the actual cost of these services.
 - II. When the response to a request, in the aggregate, takes longer than one hour, the KWWA will charge **\$41.37** per hour (excluding the first hour) spent by any employee or third party to review, evaluate, identify, collect, evaluate, redact, format, and reproduce records, to prepare responses, or to otherwise respond to a request (except for third-

parties retained to assist with responding to requests for electronically stored information.)

- III. Unless waived by the KWWA, the requestor must pay the actual cost of any media and third-party service required to respond to requests (including the identification, collection, duplication, and evaluation of records as well as production) for electronically stored information and hard copy records (no external hard drive, compact disc, thumb drive or other media provided by the requestor will be accepted, unless provided by the Authority Secretary. Nothing in this Policy requires the Town to take action beyond what is required by the Act.
- IV. The requestor must pay the actual costs of transmission of any records (except when transmitted by email).

4. Payment of Fees & Costs

- a. The KWWA will accept payment in the form of cash or check. Credit cards will be accepted with the charge of a service fee.
- b. Where fees and costs may apply, the Town will not take further steps after notifying the requestor of the estimate of fees and costs until the payment of such fees and costs has been agreed to and, where appropriate, paid as provided in this policy. Any timeline for the KWWA to respond to a request will be tolled pending such.
- c. Before processing a request, the KWWA may require an advance deposit of (in any combination, as appropriate): (a) up to 50% of the estimated fees and costs where that the Town anticipates more than two hours of time will be required; (b) 100% of the estimated fees and costs where the requestor previously failed to pay fees and costs associated with a request or abandoned a request; (c) 100% of the of the estimated fees and costs where the request is extremely large or anticipated to take a large amount of employee time to gather; (d) 100% of the estimated costs of media and third party services required to respond to requests for electronically stored information.
- d. The actual costs, as calculated in this policy, must be paid before the requestor is provided access to records or copies.

Records qualifying as criminal justice records under the Colorado Criminal Justice Records Act, C.R.S. § 24-72-301, *et seq.*, are not subject to this policy and requests must be submitted to the Police Department Records Clerk.

To submit an open records request, please use the Records Request form found on our website and return to the Authority Secretary's office at Town Hall or via email.