

Colorado Courts, Probation Departments, and Office of the State Court Administrator Policy Governing the Production of Administrative Records

This policy governs the implementation of Colorado Supreme Court Public Access to Information and Records Rule 2 (P.A.I.R.R. 2) for the Colorado Courts, Probation Departments, and Office of the State Court Administrator (collectively referred to hereinafter as the “Judicial Department”) concerning the public’s access to administrative records. The policy is intended to ensure the Judicial Department responds to requests for administrative records in a consistent and expeditious manner. This policy does not govern requests submitted to other Judicial Branch entities.

Submission of Request to Custodian

A request to obtain a copy of an administrative record must be directed to the custodian of the record or their designee (custodian), and the request must be submitted in writing. The requestor may, but is not required to, use the form attached to this policy. The custodian will not accept records requests made over the telephone or via social media.

A request for administrative records must include the following information: date the request was mailed or delivered to the custodian, record(s) requested, requestor’s name, and requestor’s email address, phone number, and/or mailing address.

If a recipient of a request is not the custodian of the sought record(s) but the recipient knows or believes the custodian is or may be someone else in the Judicial Department, the recipient will forward the request to the person believed to be the custodian and inform the requestor that their request has been forwarded. The custodian’s timeframe for responding to the request will begin upon receipt of the forwarded request.

Requests for administrative records that cite the federal Freedom of Information Act, cite the Colorado Open Records Act (CORA), section 24-72-200.1, et seq., C.R.S., or do not cite any authority but clearly seek administrative records subject to this policy will be treated as though they were made pursuant to P.A.I.R.R. 2.

Time Calculations

When calculating the response time, the following guidelines apply:

- If a request is received on a weekend or holiday or after the close of business, it is considered received the next business day. Multiple requests from the same requestor received by the custodian on the same business day will be considered a single request.
- As noted in P.A.I.R.R. 2, §4(b), the day the request is received is not counted for purposes of the custodian’s response time.
- If the custodian requires more time to respond than is set out in P.A.I.R.R. 2 due to the nature of the request and/or the submission of multiple requests, the custodian will notify the requestor of the need for additional time and will make a good faith, reasonable effort to process the request(s) as promptly as is feasible in light of the size and scope of the request(s), the workload of the other requests the custodian has received and is processing,

and the technical capacity of the Office of the State Court Administrator's Information Technology Services Division to search for responsive records.

- If the custodian seeks clarification regarding the scope of the request, the custodian's response time will begin anew upon receipt of the requestor's modification of the original request or confirmation that they wish to proceed with the original request.
- As explained below, the custodian's response time will begin anew upon the requestor's approval of any cost estimate or the payment of any required deposit.

Scope of Records Produced

The Judicial Department is not required to create new records in response to a request for administrative records.

Fees

Hard Copies and Data Storage Devices

- The custodian may charge a fee of \$.25 per page (\$.50 if double-sided) for records produced in a hard-copy format.
- If a substantial request is made requiring the production of more than 20 pages of records, the custodian **will charge** \$.25 per page (\$.50 if double-sided) for all records produced in a hard-copy format.
- If the custodian provides any records on a data storage device, the custodian will charge the requestor for the actual cost of the data storage device.

Research, Retrieval, Redaction

If research, retrieval, and/or redaction is required to process a records request, the custodian may assess a fee at the rate of \$41.37 per hour to recoup the costs of the expended time and resources; however, there will be no charge for the first hour expended in connection with research, retrieval, and/or redaction.

Cost Estimate

Prior to fulfilling a records request that will involve the assessment of fees, the custodian will provide the requestor with notice of an estimate of the cost of processing the request. Payment of the actual cost must be received prior to delivery of the requested record(s), and the custodian will determine the acceptable form(s) of payment. For requests that may involve the assessment of fees but do not require a deposit, the custodian's response time begins anew when the requestor approves the cost estimate.

Deposit

The custodian may require the requestor to pay a deposit representing a portion or the full amount of the cost estimate. If the custodian requires a deposit, the custodian's response time begins anew when the requestor pays the required deposit.

Abandoned Request

The requestor has 15 business days to respond to the custodian's request to clarify the scope of a request, agree to the cost estimate and pay any required deposit, or pay any applicable fees and pick up or accept electronic delivery of records after being notified that the records are available for production upon payment. If the requestor fails to do so, the request will be deemed abandoned and will be closed automatically. Any request to re-open the closed request will be treated as a new request.

Multiple Requests

If a requestor submits a request for the same records on more than one occasion within a 30-day period and the custodian previously produced the records sought, the custodian may decline to reproduce the records.

Abusive or Harassing Requests

While the Judicial Department is required to make a reasonable, good-faith effort to respond to administrative records requests in a manner that is consistent with the requirements of P.A.I.R.R. 2, the Judicial Department is not required to respond to harassing or abusive communications.

REQUEST TO ACCESS ADMINSTRATIVE RECORDS
Pursuant to P.A.I.R.R. 2

Describe the record(s) you would like to access:

Name of Requestor

Address

City, State, and Zip Code

Telephone Number

Email Address

Date Request Was Mailed or Delivered to the Custodian

FOR INTERNAL USE ONLY:

Date Request Was Received: _____

Person Fulfilling the Request _____ Date Fulfilled _____

Fees Charged (If Any): _____

Copy Costs \$ _____ Research, Retrieval, Redaction \$ _____ Other \$ _____