



**Maiker**  
Housing Partners

## COLORADO OPEN RECORDS ACT (CORA) POLICY REQUEST FORM

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ACCESS TO PUBLIC RECORDS

EFFECTIVE DATE: March 24, 2021

### POLICY

It shall be the policy of Maiker Housing Partners (MAIKER) to make public records available for public inspection at reasonable times in accordance with the provisions of the Colorado Open Records Act, as reflected in §24-72-201, C.R.S. , *et seq.* (“the Act”).

### II. PURPOSE

2.1 The purposes of this policy are to:

Set forth a general procedure for providing agency wide, consistent, prompt and equitable service to members of the public requesting access to public records in accordance with the requirements of the Act;

Foster open and accessible government;

Allow members of the public to have access to information regarding the manner in which Maiker resources are allocated;

Facilitate appropriate access to public records while also recognizing the need to avoid unwarranted interference with the discharge of critical Maiker business and ensuring that the process of responding to requests for records does not inordinately interfere with the completion of previously scheduled or critical Maiker work;

Establish reasonable charges for copying records (as authorized by the Act) and allow recovery of the value of a portion of staff time required to respond to complex records requests; and

Establish reasonable charges for research and retrieval of records and allow recovery of the value of a portion of staff time required to respond to complex records requests.

2.2 This policy is intended to be consistent with, and implement provisions of, the Act. In that regard, it recognizes the existence of documents to which Maiker *shall allow* public access, documents to which Maiker *shall deny* access, and documents to which Maiker *may deny* access. See § 24-72-204, C.R.S.

### III. SCOPE

This policy shall apply to all Maiker records and, more generally, to all records requested pursuant to the Act, with the exception of records covered under the Criminal Justice Records Act.

### IV. DEFINITIONS

The definitions found in §24-72-202, C.R.S., as amended from time to time, shall apply when interpreting this policy, unless the context clearly requires a different interpretation.

### V. PROCEDURES

#### 5.1

The Custodian of Records (“Custodian”) is the Executive Assistant of Maiker Housing Partners who can be contacted by sending a written request to [info@maikerhp.org](mailto:info@maikerhp.org).

5.2 All requests for records pursuant to the Act must be in writing, on the Maiker Open Records Act Request Form (attached), and delivered to the Custodian at the address above. The request should describe the requested information with as much specificity as possible in order to allow the Custodian to locate the requested records.

5.3 The Custodian will make the requested records available for inspection at Maiker Housing Partners, 3033 W. 72<sup>nd</sup> Avenue, Westminster, CO 80030 during the hours 9 a.m. to 5 p.m. during business days.

5.4 Copies of records may be requested pursuant to the Act. Maiker will endeavor to provide information in a form which is most convenient and practical. The records may be mailed pursuant to CRS § 24-72-205(b). Maiker will consider a request for information in electronic form and will determine whether-or-not, such information can feasibly be generated, retrieved and released in electronic form.

If immediate production of requested records is not feasible, the custodian will set a date and time for inspection of the records within three working days of the date on which the request was made. This time period may be extended by seven additional working days in the event of extenuating circumstances as described in §24-72-203(3)(b), C.R.S.

## VI. CHARGES

- 6.1 Maiker may charge reasonable fees for research, retrieval, and necessary redaction in connection with producing public records.
- 6.2 The cost for a standard size photocopy shall be \$0.25 per page. No sales tax will be charged. Within three working days of receipt of the request, the Custodian shall notify the record requester that a copy of the record is available but will only be sent to the requester once the Custodian either receives payment or makes arrangements for receiving payment for all costs associated with records transmission and for all other fees lawfully allowed, unless recovery of all or any portion of such costs or fees has been waived by the Custodian. Upon either receiving such payment or making arrangements to receive such payment at a later date, the Custodian shall send the record to the requester as soon as practicable but no more than three business days after receipt of, or making arrangements to receive, such payment.
- 6.3 When a commercial copy service is utilized to produce copies, the person or party requesting the records will be responsible for paying the actual charges for that commercial copy service. The decision about when outside commercial copy services will be used shall be made by the Custodian in his or her sole discretion. In making this determination, the Custodian may consider, without limitation, the logistical impact upon Maiker of using internal or external resources, and the security of documents and other Maiker resources that might be implicated by such a decision.
- 6.4 Maiker may charge for time spent responding to large requests, including, without limitation, requests that require the searching of voluminous files for specific information, manipulating data, or redacting documents to excise confidential information. The charge for these kinds of services shall be \$30 per hour after first hour.<sup>1</sup> A charge of \$30 per hour may also apply where manipulation of data is required in order to generate a record in a form not ordinarily used by Maiker (including redaction of documents to excise privileged material) or when production requires use of computer technology other than word processing. Specific additional departmental fees may apply. There shall be no charge for the first hour of research.
- 6.5 All persons making a subsequent request for the same record or records shall be charged the same fee as was the initial requestor.
- 6.6 Maiker, at its discretion, may respond to requests for access to public records stored electronically and in computer databases by providing, upon written request, a copy, disk or printout, but shall not allow access to a computer terminal connected to internal Maiker computer systems that is not ordinarily available for general public use. The exception to this restriction is public information provided by Maiker on the Internet.

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<sup>1</sup> This rate shall be adjusted from time-to-time in accordance with C.R.S. § 24-72-205(6)(b).

## VII. ACCESS DENIED

7.1 Access to public records may be denied in accordance with the provisions of the Act. Access will be denied in the following situations; this is not a complete list of the circumstances under which access will be denied.

7.2 No records shall be produced when the Custodian determines that the records are privileged, subject to the work-product doctrine, or otherwise inappropriate for disclosure based upon the application of a City ordinance, state statute, federal statute, or pursuant to any regulation issued pursuant to any such provision of law or where production of documents is prohibited by a court order, court decision, or court directive. No applicant or tenant file information shall be produced.

7.3 The following records shall not be produced pursuant to an open records request:

The contents of personnel files, specifically including but not limited to, social security numbers, home addresses, home telephone numbers, and personal medical, psychological, and sociological data;

Scholastic achievement data;

Letters of reference;

Identities of job applicants;

Criminal justice records;

Names, addresses, telephone numbers, or financial data of past or present users of MAIKER services;

Correspondence between Maiker staff and housing applicants and housing residents where it is clear that there was an expectation of confidentiality;

Trade secrets, privileged information, or confidential commercial or financial information furnished or obtained from a person that cannot be accessed by the general public;

Correspondence sent or received by an elected official without consent of that elected official;

Sexual harassment investigations; and

Any information discussed or recorded during an Executive Session of the Maiker Board of Commissioner's meeting.

- 7.4 The following records may not be produced pursuant to an open records request:
- Test questions and scoring keys;
  - Work product and drafts;
  - Deliberative process materials;<sup>2</sup>
  - Investigatory files compiled for any law enforcement purpose;
  - Real estate appraisal documents relating to land the title of which has not yet passed to Maiker; and
  - Disclosure of documents that would do substantial injury to the public interest, i.e. when release would serve to inhibit free and frank discussion in future documents.
- 7.5 Attorney/client and attorney work product communications which convey legal advice shall not be produced for inspection. Such records include all confidential communications to or from Maiker and their attorney or to or from other special legal counsel representing Maiker. Confidential material of this type may include records of electronic communications. However, copies of such records may be released to those to whom the communications were initially directed.
- In order to facilitate the protection of attorney/client and attorney work product material, it is recommended such material be kept in segregated and clearly marked portions of files or otherwise stored in a manner that makes them easily identifiable. Electronic communication that falls within these categories should not be maintained longer than necessary and, when maintained, should be placed in appropriately segregated locations.
- 7.6 If, in the opinion of a records custodian, disclosure of the contents of any public record would do substantial injury to the public interest, even though such record is otherwise available for public inspection under the provisions of this policy, the custodian may deny access to such public record, the Custodian may withhold the record and may apply to the District Court for Adams County as provided by C.R.S. § 24-72-204(6)(a).

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<sup>2</sup> Deliberative process material is defined as material so candid or personal that public disclosure is likely to stifle honest and frank discussion within the government.

- 7.7 Birth dates will not be released. However, birth dates may be released to representatives of the news media if names are not associated with those birth dates. Birth dates may be otherwise provided to representatives of the news media upon the execution of agreements acceptable in format to the Maiker Executive Director in which news media representatives agree that they will not publish individual names with associated birth dates based upon the material provided.
- 7.8 Notwithstanding the above, documents that are privileged or that would otherwise be withheld from production pursuant to this policy may be produced when a waiver is obtained from the person whose privacy interest would be protected by the refusal to produce the documents.

## **VIII.**

- 8.1 This policy supersedes all previous policies covering the same or similar topics for Maiker by the Maiker Executive Director. This policy may be reviewed and changed at any time.



# Maiker Housing Partners

## Colorado Open Records Act (CORA) Request Form

Date: \_\_\_\_\_

Name of Requesting Party: \_\_\_\_\_

Contact Information: (phone and/or email address)

Request: (please be as specific as possible)

Document Review Preference: (if options are available)

In person in County office/department

Email

Photocopy

Other: \_\_\_\_\_