

UTE WATER CONSERVANCY DISTRICT

Policy on Responding to Records Requests

The Ute Water Conservancy District (District) fully supports, and complies with all Federal and State laws relating to the retention, protection and disclosure of District records including, but not limited to, the Colorado Open Records Act, Title 24, Article 72, Part 2, C.R.S. (CORA), the Health Insurance Portability and Accountability Act of 1996 (HIPPA), and the Privacy Rule promulgated by the U.S. Department of Health and Human Services which interprets and implements HIPPA. This Policy has been adopted by the District's Board of Directors to provide certain procedures on how public records maintained by the District may be inspected and copied.

It is the policy of the District that all public records, as defined by CORA, shall be open for inspection by any person at reasonable times which do not interfere with regular discharge of the duties of the district, except as otherwise provided by law. Pursuant to the Colorado Water Conservancy Act, the Secretary of the District is the official custodian of the records of the District. The General Manager of the District is hereby designated as a custodian of the records of the District for purposes of CORA. A request for inspection of the records of the District will be referred to as a Records Request.

The following policies apply to the inspection and copying of records of the District:

1. Every Records Request shall be submitted to the District's General Manager in writing and be specific as to the information desired. The District will only allow inspection of those documents permitted by CORA. The General Manager may designate one or more of the employees of the District who shall be responsible for researching, compiling, copying and providing the records that are responsive to the Records Request. References in this Policy to the General Manager shall be determined to include his designee(s).
2. If any question arises as to the propriety of fully complying with a Records Request, the General Manager shall immediately forward it to the District's legal counsel. The District's legal counsel shall determine the District's obligations under CORA and any other applicable laws and advise the General Manager accordingly.
3. If the District's legal counsel determines the District is not permitted by applicable law to comply with the Records Request in whole or in part, legal counsel shall assist the General Manager in preparing and providing a written response to the person submitting the Records Request stating the legal basis upon which the Records Request in whole or in part is being denied.
4. The General Manager may set the time during normal office hours and the place for records to be inspected and require that a designated employee be present while the records are

examined. Pursuant to CORA, records must be made available for inspection within three (3) working days, unless extenuating circumstances, as defined by CORA, exist. The deadline may be extended by seven (7) working days if extenuating circumstances exist and the requesting party is notified in writing of the extenuating circumstances within the initial three-day period.

5. If a person submitting a Records Request desires copies of the requested records, the copies will be provided at a cost of \$0.25 per page for documents in standard size and format. The charge for providing a copy, printout or photograph of a public record in a format other than a standard page will be assessed at the actual cost of production. Additionally, the District will charge a fee of \$30.00 per hour for time in excess of one hour spent by its employees in researching and retrieving records in response to a Records Request in those cases where the location or existence of specific documents must be researched and/or the documents must be retrieved, sorted or reviewed for applicability to the Records Request. No charge shall be made for the first hour of time expended in connection with the research and retrieval of public records. Any fee charged for the research and retrieval will be the same for all requesting parties, whether the person requesting the records is an individual, a representative of the media, a public or private entity, or a for-profit or nonprofit entity. The stated hourly research and retrieval fee will automatically adjust for inflation pursuant to statute, every 5 years beginning July 1, 2019.

6. This policy is intended to implement and supplement the procedures set forth in CORA for responding to Records Requests. The District will follow the procedures and charge the fees set forth in CORA and other applicable laws for processing and responding to Records Requests, as supplemented by the procedures set forth in this Policy. If any provision of this Policy conflicts with CORA or other applicable laws, the provisions of CORA or the other applicable laws shall control. This Policy shall supersede any previous policies of the District related to public records requests.

Adopted: 8/14/14