

# North Fork Ambulance Health Service District

## 509.0 COLORADO OPEN RECORDS ACT (CORA) POLICY

**EFFECTIVE DATE: 05/21/2025**

### PURPOSE

This policy establishes guidelines for handling public records requests received by North Fork EMS in compliance with the Colorado Open Records Act (CORA), C.R.S. § 24-72-200.1 et seq. This policy is intended to provide clarity to the public regarding how to submit requests, what to expect in response, and to establish consistent procedures for agency staff when processing these requests.

### SCOPE

This policy applies to all public records maintained by North Fork EMS, including all departments, divisions, and staff members. All employees are responsible for compliance with this policy and applicable laws concerning public records.

### DEFINITIONS

1. **Public Records:** Any writings made, maintained, or kept by North Fork EMS for use in the exercise of functions required or authorized by law or involving the receipt or expenditure of public funds, as defined in C.R.S. § 24-72-202(6).
2. **Custodian of Records:** The official designated by North Fork EMS who has authority to release records, typically the District Chief or their designee.
3. **Requestor:** Any person who submits a request to inspect public records under CORA.
4. **Research and Retrieval Time:** The time spent by North Fork EMS staff to identify, locate, gather, and review records that are responsive to a CORA request.

### POLICY

#### 1. Submission of Requests

a) All requests to inspect public records must be submitted in writing to the designated Custodian of Records.

b) Requests may be submitted via:

- Email: office@nfems.com
- Mail: PO Box 687, Hotchkiss, CO 81419
- In person: 110 E. Hotchkiss Ave., Hotchkiss, CO 81419
- Fax: 970-872-3910

c) Requests should include:

- Requestor's name and contact information
- A clear description of the records sought
- Preferred method of delivery of records (electronic or physical)

#### 2. Processing of Requests

- a) The Custodian of Records will date-stamp and log all CORA requests upon receipt.
- b) The Custodian will make an initial assessment of the request to determine:
- If the request is sufficiently specific to identify the requested records
  - If the requested records exist
  - If the requested records are in the custody of the agency
  - If the records are subject to inspection under CORA
- c) If the request is unclear or overly broad, the Custodian will contact the requestor to discuss clarification or narrowing of the request.
- d) If the requested records are not in the custody of North Fork EMS, the Custodian will notify the requestor and, if known, provide contact information for the appropriate custodian.
- e) The Custodian will gather responsive records and review them for legally protected information that must be withheld or redacted.
- f) Legal Review Process:
- If any question arises as to the propriety of fully complying with a Records Request, the Custodian shall immediately forward it to North Fork EMS's legal counsel.
  - North Fork EMS will provide a written response stating the basis within the statute upon which the Records Request in whole or in part is being denied.
  - If North Fork EMS's legal counsel determines the agency is not permitted by Federal or State law to make records available for inspection in whole or in part, legal counsel shall provide a written response to the party submitting the Records Request stating the legal basis upon which the Records Request in whole or in part is being denied.

### **3. Response Timeframes**

- a) The Custodian will respond to CORA requests within three (3) working days of receipt, as required by C.R.S. § 24-72-203(3)(b).
- b) In extenuating circumstances, the response period may be extended by up to seven (7) additional working days. The Custodian will provide written notice to the requestor explaining the extenuating circumstances and the date the records will be available.
- c) Extenuating circumstances include, but are not limited to:
- A request that is broadly stated or encompasses large volumes of records
  - A request that requires review of records stored at separate facilities
  - A request that requires consultation with another agency or with third parties with a substantial interest in the records
- d) If the request cannot be fulfilled within the extended deadline, the Custodian will work with the requestor to establish a mutually agreeable schedule.

### **4. Fees and Costs**

- a) North Fork EMS may charge fees for the research and retrieval of records as authorized by C.R.S. § 24-72-205.
- b) No fee will be charged for the first hour of research and retrieval time.
- c) For research and retrieval that exceeds one hour, an hourly fee not to exceed \$41.37 per hour in 2025, adjusted annually according to statute will be charged.
- d) Additional fees may be charged for:
- Copies: not to exceed \$0.25 per standard page
  - Electronic copies: actual cost
  - Mailing or delivery costs: actual cost
- e) If the estimated fees exceed \$30 the Custodian will provide an estimate to the requestor before proceeding.
- f) Payment of fees must be received before the release of records unless other arrangements have been made.
- g) North Fork EMS accepts payment by check or cash.
- h) Upon request, North Fork EMS will provide a breakdown of costs for research and retrieval.

## **5. Inspection and Delivery of Records**

- a) Records will be made available for inspection by appointment during North Fork EMS's normal business hours.
- b) Electronic records will be provided in the format in which they are stored, if feasible, or in an alternate searchable and sortable format as requested.
- c) If a record is maintained in a searchable or sortable format, the requestor may request that it be provided in that format unless:
- It would violate the terms of a licensing or copyright agreement
  - It would result in disclosure of third-party proprietary information
  - It is not technologically or practically feasible
- d) During in-person inspection:
- An employee may be present to maintain security of records
  - No records may be removed, altered, or destroyed
  - Photographing of records is permitted unless prohibited by other laws or policies

## **6. Denial of Inspection**

- a) Access to records may be denied in accordance with provisions of CORA or other applicable laws.
- b) If a request is denied in whole or in part, the Custodian will provide a written statement of the grounds for denial, citing the law or regulation under which access is denied.

c) If only a portion of a record is exempt from disclosure, the Custodian will redact the exempt portion and provide access to the remainder.

d) No person shall be permitted to inspect or copy any records of North Fork EMS if, in the opinion of the Custodian after consultation with North Fork EMS's legal counsel, such inspection or copying would come within the prohibition of one or more exemptions set forth in CORA.

## **7. Multiple, Repeated, or Duplicative Requests**

a) When responding to multiple requests from the same requestor, North Fork EMS may:

- Treat separate requests as a single request for calculating research and retrieval time
- Require advance payment based on previous requests
- Establish a schedule for repeated requests

b) For clearly duplicative requests, the Custodian may decline to process the duplicate request.

## **8. Records Retention**

a) North Fork EMS maintains records in accordance with the Colorado Municipal Records Retention Schedule.

b) North Fork EMS's complete records retention schedule is available at our main office.

c) North Fork EMS is not required to create new records, analyze data, or manipulate existing records in response to a CORA request.

## **9. Compliance and Training**

a) The District Chief is responsible for ensuring agency-wide compliance with this policy.

b) All new employees involved in processing CORA requests will receive training on CORA responsibilities as part of their orientation.

c) Periodic refresher training will be provided to all staff involved in processing CORA requests.

## **10. Disputes and Appeals**

a) Following the denial of a request for records, upon receipt of the required written notice from the requesting individual that he or she will seek relief from the District Court, the Custodian will attempt to meet in-person or speak by telephone with the requesting individual. North Fork EMS personnel are encouraged to utilize all possible means to attempt to resolve the dispute during this time period and will provide a written summary of the North Fork EMS's position at the end of that period to the requestor and to the North Fork EMS's Board of Directors. No phone or in-person conference is required if the written notice indicates that the requestor needs access to the record on an expedited basis.

b) North Fork EMS will make good faith efforts to resolve disputes without the need for litigation.

## **AMENDMENTS**

This policy may be amended as necessary to remain in compliance with changes in applicable laws or regulations. The District Chief is authorized to make minor updates to this policy as needed.

# APPENDIX A: CORA REQUEST FORM

## North Fork Ambulance Health Service District

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

Date of Request: \_\_\_\_\_

Requestor Information:

- Name: \_\_\_\_\_
- Organization (if applicable): \_\_\_\_\_
- Address: \_\_\_\_\_
- Phone: \_\_\_\_\_
- Email: \_\_\_\_\_

Description of Records Requested (please be as specific as possible):

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Purpose of Request (optional):

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Preferred Method of Delivery:  Email  Mail  In-person pickup  Other (specify):

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Fee Information:

- First hour of research and retrieval: No charge
- Additional research and retrieval time: \$41.37 per hour
- Copies: \$0.25 per page
- Electronic media: no charge
- Postage/Delivery: Actual cost

By submitting this request, I acknowledge that I may be charged fees for the research, retrieval, and copying of requested records as outlined in North Fork EMS's CORA Policy.

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

For Agency Use Only: Date Received: \_\_\_\_\_ Received by: \_\_\_\_\_ Due Date (3 business days): \_\_\_\_\_ Extended Due Date (if applicable): \_\_\_\_\_ Request ID#: \_\_\_\_\_ Fees Estimated: \$ \_\_\_\_\_ Fees Collected: \$ \_\_\_\_\_ Date Completed: \_\_\_\_\_

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## **APPENDIX B: STATUTORY FEE LIMITATIONS**

As of 2024-2025, Colorado law (C.R.S. § 24-72-205) establishes the following fee limitations:

- Maximum hourly rate for research and retrieval: \$41.37 per hour (with first hour free)
- This hourly rate is adjusted for inflation by the Director of Research of the Legislative Council as required by statute

The current rate of \$41.37 per hour went into effect on July 1, 2024, and represents a 23.2% increase from the previous rate of \$33.58 per hour. This increase was calculated based on the percentage change in the Denver-Aurora-Lakewood consumer price index since 2019.

North Fork EMS will update its fee schedule as needed to comply with these statutory limits.