

COLORADO HISTORICAL SOCIETY
PROCEDURE MEMORANDUM

Subject: Open Records Requests

Procedure No. HR - 20 Revised September 17, 2007 Effective September 24, 2007

Approved: Division Directors, Colorado Historical Society

Reviewed: Edward C. Nichols, President

Purpose:

In accordance with C. R. S. 24-72-201, certain records of the Colorado Historical Society (CHS) are open to the general public under the Colorado Open Records Act (CORA). To obtain access to records deemed open to the public, the following procedure details the steps that must be followed by the requestor to obtain records of the CHS within the general administrative, finance and accounting, or human resources departments. All other requests for open records of departments within the CHS will be redirected to the Division Director of the individual department.

Any request for a public record that is received that appears to be initiated for purposes detrimental to the good of the CHS will be referred to the custodian of the records and notice will also be provided to the President and Public Relations Director.

Division Directors may adopt this procedure for individuals to make open records requests of documents within his/her division or may develop specific procedures applicable to the individual division provided that the procedures comply with C. R. S. 24-72-201. Should a Division Director elect to develop individual division procedures, a copy shall be provided to the President.

Procedure:

1. All requests for access to records of the Colorado Historical Society (CHS) must be made in writing by the requestor and must reasonably specify the record or records desired. This may be in the form of hand-delivered requests or mailed requests. E-mailed requests or requests made by facsimile are not accepted due to previous problems with communications of this nature, including communications that are distorted, corrupted, or otherwise indecipherable due to hardware, software or human error. Requests should contain the following information:
 - Date
 - Organization name (if applicable)
 - Requestor's name
 - Address
 - Telephone number
 - Records requested for review

2. Requests must be defined and clear so that records can be identified. Suggestions include identifying individual employees or actions contained within the records, beginning and ending dates for when the records may have been created, and specific details regarding the content of the document(s).
3. All requests must be delivered directly to the CHS by the requestor. Requests must be forwarded internally to the President, or his/her designee as the official custodian of the records. Currently, the official custodian of the records is the Human Resources Director. Requests may be mailed to Human Resources Director, Colorado Historical Society, 1300 Broadway, Denver, CO 80203 or hand delivered to the Colorado History Museum, Attention Human Resources Director, 1300 Broadway, Denver. Requests made of other state agencies, non-profit organizations, or individuals for records that are in the possession and control of the CHS will not be honored. The CHS will not forward requests for open records to any other entity on behalf of the requestor.
4. The requested records must exist when the request is made. A request cannot be made for documents to be created at some future date. Additional data, reports, or documents will not be created to comply with the requestor's specific needs.
5. Personnel files are confidential and exempt from the open records statute. See the "Personnel Files" section below for details.
6. Allowance or denial of inspection of open records shall be in accordance with C. R. S. 24-72-204. The President or his/her designee shall determine allowance or denial of a request.
7. Currently, the President has designated the Human Resources Director as the official custodian of the records for the Colorado Historical Society for the general administrative, finance and accounting, and human resources departments. Requests for records related to the general administrative, finance and accounting, and human resources departments but received by a division shall be referred to the Human Resources Director. The Division Director or his/her designee shall be the official custodian of all other records in each Division Director's division.
8. No employee of the Colorado Historical Society may disclose confidential information or documents unless authorized to do so. Only the official custodian of the records may provide or disclose information or documents that qualify as an open record under the Open Records Law.
9. When an inspection of records is granted, pursuant to CORA, records shall be made available for viewing within 3 business days of the request being received. Delays may be expected when requests are not delivered as outlined in this procedure. This deadline may be extended by seven (7) working days if extenuating circumstances exist and the requesting party is immediately notified of the delay. Extenuating circumstances permitted by CORA include only the following:

- a. The request is broadly stated and encompasses all or substantially all of a large category of records and is without sufficient specificity to allow the custodian to gather the records within 3 days; or
 - b. The request is broadly stated and encompasses all or substantially all of a large category of records and is made at a time when the CHS needs to devote all or substantially all of its resources to meeting an impending deadline or peak of demand that is unique.
10. The custodian may set the time during normal office hours and the place for records to be inspected and require that he, she or a delegated employee be present while the records are examined. At the time of the review, all requestors will be required to provide photo identification such as a Driver's License or state photo ID prior to the review.
 11. Multiple requests for the same records by the same requestor will be denied after the initial request. Requests for records with similar characteristics but different parameters will be considered for allowance.
 12. Copies, printouts, or photographs of records made for the requestor shall be provided at the rate of \$.25 per page unless actual costs exceed that amount. Division Directors may set the rate per page lower if requests for records from his/her division may be provided with less expense. Additionally, in those cases where the location of specific documents must be researched and the documents must be retrieved, sorted or reviewed for applicability to the request, the CHS may charge a reasonable research and retrieval fee, typically \$15.00 per hour. Payments for fees or copies are due upon receipt in the form of cash or check. We do not accept credit cards and do not bill for services.
 13. Requestors may request copies of the records to be available for pickup by courier. The requestor must notify the CHS in writing specifying whom the authorized courier is. Copying fees are due before the copies of records will be released to a courier. The CHS will not fax, e-mail, or mail copies of records for requestors.
 14. Any other requests for information regarding the CHS that are outside of the Open Records Law will be referred to the Public Relations Director or the President.
 15. CORA's definition of public records does not include the identity of, or information leading to the identification of, any donor or prospective donor, the amount of any actual or prospective gift or donation, proprietary fund raising information or agreements or other documents relating to gifts or donations.

The Colorado Historical Society **MAY** deny the right of inspection for the following records:

1. Test questions, scoring keys and other examination data pertaining to administration of examination for employment;
2. Specific details of bona fide research projects;
3. Contents of real estate appraisals made relative to the acquisition of property or any interest in property for the Society's use;
4. Electronic mail addresses provided by a person to the Society for the purposes of

- future electronic communications to the person from the Society; and
5. Specialized details of security arrangements or investigations.

The Society **MUST** deny the right of inspection for the following records, except that some of these records may be available to the person in interest:

1. Personnel files;
2. Letters of reference;
3. Trade secrets, privileged information, and confidential commercial, financial, geological, or geophysical data furnished by or obtained from any person;
4. Library material contributed by private persons, to the extent of any limitations required as a condition of the contribution;
5. Library records disclosing the identify of a user;
6. Addresses, telephone numbers and personal financial information of past or present users of CHS public facilities or educational, recreational or cultural services and programs;
7. Records of sexual and other unlawful harassment complaints and investigations, except that the Society may access the information necessary to the investigation of a complaint;
8. Records submitted by or on behalf of any applicant or candidate for employment; and
9. Records protected under the common law governmental or a deliberative process or privilege, if the material is so candid or personal that public disclosure is likely to stifle honest and frank discussion within the Society (such records are subject to a special process and the Custodian should consult with the Attorney General's Office)

Personnel Files:

The Colorado Historical Society maintains a personnel file for each employee. A personnel file is defined by CORA as the home address, telephone number, financial information and other information maintained because of the employer-employee relationship. With some exceptions noted below, CORA requires confidentiality of personnel files. The official personnel file for Society employees typically consists of two elements: (1) the file located in the human resources office and (2) payroll and similar records located in the payroll office. CORA permits inspection of the personnel file by the "person in interest," i.e. the person to whom the records pertain, and by persons acting on behalf of the Society in a supervisory role. CORA prohibits disclosure of letters of reference to the person in interest. Colorado case law has defined "letters of reference" to include information elicited from references in confidence and designed to inform an evaluation of a person's qualifications pursuant to the hiring process. CORA permits public inspection of applications of employees, letters of application and resumes, employment agreements, amounts paid or benefits provided incident to termination of employment, settlement agreements, performance ratings, and compensation (including expense allowances and benefits).

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