



TECHNICAL UPDATE

Volume 27 Number 29 | July 18, 2023

COLORADO OPEN RECORDS ACT

Passed by the state legislature in 1968, two years after Congress adopted the federal Freedom of Information Act, the statute now known as the Colorado Open Records Act (CORA), C.R.S. § 24-72-201 to 206, states that all public records shall be open for inspection by any person at reasonable times, except as provided in part 2 or as otherwise specifically provided by law. CORA covers public access to the records of government at the state and local level, except for criminal justice records.

WHAT IS A PUBLIC RECORD

The definition of “public records” found in CORA is extensive and applies to all levels and types of governments in Colorado, except for the federal government and tribal governments. It includes all writings, books, papers, photographs, tape recordings, and electronic mail made, maintained, or kept by the state, any agency, institution, or political subdivision of the state, and any elected or appointed public official for use in the exercise of functions required or authorized by law.

There are some [exceptions](#), including communications that are personal in nature, confidential messages from constituents about a matter relating to that constituent, and work product, including documents relating to the drafting of bills by attorneys. However, any person who may be subject to the open records law should err on the side of considering all communications to be potentially releasable, including records kept on a personally owned, private device.

RESPONDING TO AN OPEN RECORDS REQUEST

Public records are open for inspection by “any person,” defined as a natural person as well as any corporation, limited liability company, firm, partnership, or association. Unlike some other states, Colorado does not have a residency requirement for requesting public records. And because non-exempt records are declared to be open for public inspection and copying, a reason is not needed for seeking public records.

Agencies may charge a reasonable fee, not to exceed the actual cost, of transmitting paper copies or generating or manipulating data in a form not used by the agency. Agencies may also charge a research and retrieval fee after the first hour of research, if they have published a written policy covering such fees prior to receiving a request.

WHAT THIS MEANS FOR COUNTIES

This information was extracted from Colorado Revised Statutes 24-72-202, and for opinions, additional information or to respond to any CORA requests consult with your County Attorney.

CTSI recommends that the County adopt a written policy for the inspection of public records pursuant to the Colorado Open Records Act, (CORA), 24-72-201, et seq., C.R.S., as amended.

CTSI also suggests that the Board of County Commissioners appoint a certain person as “Custodian” who would have control of the public records in question. Persons to consider for this role are the County Clerk and Recorder, Commissioners Administrative Assistant, or someone in the Attorney’s office. The Custodian should confer with the County Attorney to make sure that the records requested are within the legal parameters of the law.

This update is provided as a public service and for informational purposes only. It is not intended to consist of or to contain any legal advice. Additionally, no statements or interpretation of law contained herein shall be deemed binding to CTSI.

