



KROB LAW OFFICE, LLC
Attorneys at Law

MEMORANDUM

To: Palmer Lake Mayor and Board of Trustees

From: Scotty P. Krob, Krob Law Office, Town Attorneys

Date: April 11, 2024

Re: Implementing changes required by SB 23-286 to the Town's policy regarding access to public records

Senate Bill 23-286 concerning improving public access to government records was signed into law on June 6, 2023. The Bill makes a number of minor revisions to a local governments responsibilities when responding to CORA requests. I recommend two revisions to the Town of Palmer Lake's Policy Regarding Access to Public Records to implement this new statute.

First, a requester is not required to provide the custodian with any form of identification to request or inspect records. In the context of the Town's Public Records Request form, the Custodian should be aware that if a requester leaves the "name" section blank, the Custodian is still required to process the request, even without a requester identifying themselves.

Second, where a public record is available in a digital format, the custodian is required to transmit a digital copy of the public record by electronic mail or by another mutually-agreed upon transmission method if the size of the record prevents transmission by electronic communication. Where a public record is in a digital format, the public record must be provided in a digital format. Furthermore, a Custodian may not charge a per-page fee for providing records in a digital or electronic format. I recommend that the paragraph in the Town's policy regarding electronically stored public records be revised to read:

~~The custodian may charge a fee for providing copies of electronically stored public records, except as limited under state law.~~ The Town will respond to requests for access to public records stored electronically and in computer software by transmitting a digital copy of the public records in a digital format by electronic mail or by another mutually-agreed upon transmission method if the

size of the records prevents transmission by electronic communication, ~~upon~~
~~written request, a copy of the file on portable electronic media, reports from~~
~~within specific software, or a hard copy printout.~~ The custodian may charge a fee
for providing copies of electronically stored public records, except as limited
under state law. ~~The records may be provided to the requestor electronically if~~
~~practical.~~ The fee will be based on research and recovery of the actual costs of
providing the electronic services and products. A per-page fee will not be charged
for providing records in a digital or electronic format.

Please feel free to contact me with any questions or concerns regarding this matter.