

PART 220 – OPEN RECORDS ACT REQUESTS

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PART 220 – OPEN RECORDS ACT REQUESTS

220.01 What is the purpose of these rules and under what law are they adopted?

The Manager of Aviation (“Manager”) adopts these rules to set procedures for requests to inspect or copy public records of the Department of Aviation (“Department”) under the Colorado Open Records Act (“CORA”), §§ 24-72-201 to 206, C.R.S. The Department is an agency of the City and County of Denver (“City”). CORA and City ordinances, including § 5-16, D.R.M.C., authorize the Manager to adopt these rules. These rules are reasonably necessary for the timely and orderly handling of CORA requests to inspect and copy the Department’s public records, to protect the Department’s public records, and to prevent unnecessary interference with the primary mission of the Manager and the Department: operating Denver International Airport.

220.02 What do the terms used in this Part mean?

220.02-1 You, We, and Us

“You” means a person submitting a CORA Request, and “we” or “us” means the Department or Manager of Aviation.

220.02-2 CORA Request

As used in this Part 220, “CORA Request” means a request by any person to inspect or copy public records of the Department of Aviation under CORA.

220.03 How, where, and to whom do I submit a CORA Request?

220.03-1 Official custodian

Your CORA Request must be addressed and sent to the Manager of Aviation, because the Manager is the custodian of records of the Department of Aviation.

220.03-2 Written request

Your CORA Request must be in writing, and must identify the requested public records specifically enough that we can locate the records and produce them for inspection and copying.

220.03-3 Place and method of delivery

CORA Requests must be delivered to the Office of the Manager of Aviation, 8500 Peña Boulevard, Room 9860, Denver, Colorado 80249. You may submit a CORA Request by any of the following methods:

- (a) By delivery (including mail or other delivery service) to the office address stated in this Rule 220.03.
- (b) By fax to 303-342-2215.
- (c) By email only to: Aviation.Manager@flydenver.com, and only if the subject line of the email message includes the phrase “Open Records Act Request.” Emails are vulnerable to non-delivery, delayed delivery,

diversion, or rejection, without notice to sender or recipient, due to service interruptions, network or ISP security technology including anti-spam filters and firewalls, or other causes. The Manager intends by this Rule 220.03-3(c) to allow CORA Requests to be submitted by email, in spite of the risk that some emailed requests may not be received. A Department staff member will send you an acknowledgement reply email stating that your emailed CORA request has been received and read. This is not an automated email delivery receipt or other system-generated message, but a reply from a staff member which confirms that the emailed CORA Request has been received and read in the Office of the Manager of Aviation. *If you have not received an acknowledgement reply email by the end of the next regular business day after your emailed CORA request was sent, you must fax, mail, or otherwise deliver a hard copy of your request to the Office of the Manager.*

220.03-4 Time of receipt

Denver International Airport presumptively operates 24 hours a day every day of the year. However, our administrative offices are staffed only during normal business hours Monday through Friday, excluding holidays established by the City Council of the City and County of Denver and any period during which Denver International Airport is closed. A CORA Request received in the Office of the Manager during any business day on or after 4:30 p.m., Mountain time, or at any time when the administrative offices are closed including weekends and holidays, will be considered to have been received as of the next business day.

220.04 What should I expect in response to a CORA Request?

220.04-1 Generally

The Manager will respond to CORA Requests as required by law. We give high priority to locating and reviewing records in response to CORA Requests. However, your request will not take priority over mission-critical work activities of Department staff or activities required in response to emergencies.

220.04-2 Response to requesting party

Our response to your CORA Request will notify you that the requested records are available for inspection or tell you why records will not be made available. If your CORA Request is so vague or broadly stated that it does not identify public records specifically enough to allow us to locate them, we may ask you to clarify your request.

220.04-3 Requests for voluminous records

If your CORA Request is for a large number of records which would be impossible to completely locate, review, and produce within three business days, we will make every attempt to work with you to establish an acceptable schedule for the production of the public records you requested.

220.04-4 Inspection of records

We will provide the records for inspection during normal business hours at our administrative offices at Denver International Airport. You will be allowed to inspect the records at the time set in our response to your CORA Request, or at a time we arrange by agreement with you. You may bring with you one or more other persons, such as an assistant or legal counsel. We reserve the right to reasonably limit the total number of persons in light of the amount and type of records to be inspected and the capacity of the room used for the records inspection; we will of course take into consideration any special needs you may have.

220.04-5 Abandoned request to inspect records

Records which have been assembled for inspection under your CORA Request will normally be held for your inspection for no more than one week after the scheduled inspection time. This holding period may be shorter for records which are needed for any use. If you do not inspect the records at the agreed-upon time and you do not reschedule the inspection time, we will return the requested records to the files after the holding period. If this happens, the Manager will consider your CORA Request abandoned, and you will need to submit a new CORA Request in order to inspect the records.

220.04-6 Request only for copies of records

If you do not want to come and inspect the requested records but ask only to be provided with copies, we will tell you the costs of sending copies, payable in advance, and how long we will hold the records available for copying pending receipt of your payment. If you have not paid the costs by the stated time, we will return the records to the files. If this happens, the Manager will consider your CORA Request abandoned, and you will need to submit a new CORA Request in order to inspect or obtain copies of the records.

220.04-7 Custody of records

If you request copies of public records, we will copy them. Original records of the Department will not be released to your custody in order for copies to be made.

220.04-8 Disclosure of costs and fees

As provided by CORA and Rule 220.05, we may charge costs and fees for research, data manipulation, production of electronic records, and copying. We will disclose such fees to you and require you to prepay the fees before we do any copying, research, data manipulation, or other activity for which the fees will be charged. If we notify you of the fees to be paid, and you do not respond or pay the fees within the time stated in our notice – usually five business days – we will consider your CORA Request abandoned, and you will need to submit a new CORA Request in order to inspect or obtain copies of the records.

220.04-9 Access to electronic records

We publish some of our frequently-requested public records on the Department's official website, www.flydenver.com (the "DIA Website"). If you submit a CORA Request for records which are publicly available on the DIA Website, we will respond by providing the URL where you may access the records at no charge. If you submit a CORA Request for a public record which exists only in electronic format and is not available on the DIA

Website, we may print that record for you or send you an electronic file, in the discretion of the Manager. Under no circumstances will you or any member of the public be given access to or the use of any computer equipment of the Department, or the Department's computer network, in response to a CORA Request. We will not give or sell software programs to any member of the public.

220.04-10 Home addresses and telephone numbers

Under Sections 2-271 and 2-272, Denver Revised Municipal Code, the home addresses and home telephone numbers of any City officer, official, or employee shall not be disclosed without such person's prior written consent. We will not disclose such information to you unless you submit with your CORA Request a written consent to such disclosure, which bears the original signature of the City officer, official, or employee whose home address or home telephone number is requested.

220.05 What are the fees for copying and other costs?

220.05-1 Copies

Our standard fee for photocopies of public records is \$1.25 per page for photocopies not exceeding 11 inches by 17 inches. Photocopies on larger sheets, paper copies such as plans, blueprints, drawings, and photographs, or copies onto other media such as CD, videotape, and audiotape, will be provided upon payment of our cost of producing such copies.

220.05-2 Pickup or delivery of copies

We will assume that you will pick up copies of records which we make for you, unless you tell us otherwise. At your request we will mail up to 50 letter-sized pages of records to you without additional charge by first-class mail. We will send larger packages of records, or any package for which you want overnight or expedited service, if you prepay our postage charges or provide to us a prepaid envelope or label for the delivery service of your choice (for example, USPS business reply mail, Federal Express, or UPS).

220.05-3 Computer output other than word processing; research and retrieval

If a public record requested under CORA requires computer output other than word processing, we may charge a fee for such record which is based on recovery of the incremental cost of providing such electronic services and products, plus a reasonable portion of the costs associated with building and maintaining the information system. We may also charge reasonable fees for research and retrieval of records.

220.05-4 Fee reductions and waivers

- (a) The Manager's policy is to reduce or waive fees and costs for CORA Requests only when exceptional circumstances exist to justify such waiver or reduction.
- (b) The Manager will determine "exceptional circumstances" in his discretion on a case by case basis, but exceptional circumstances do not exist merely because the requesting party is a student, teacher, journalist, or representative of a not-for-profit entity. Generally, an "exceptional

circumstance” will involve facts under which it would be manifestly unjust and burdensome to charge and collect the full amount of a standard fee to a party submitting a CORA Request.

- (c) The Department will make every attempt to apply any fee reductions or waivers uniformly among persons who are similarly situated.

NOTICE

The Rules and Regulations of the Denver Municipal Airport System are provided on the website of Denver International Airport, www.flydenver.com, as a convenience to the public. Copies may also be obtained from the Department of Aviation’s Technical Services Office. The City Clerk is the official custodian of all City rules and regulations under the Revised Municipal Code of the City and County of Denver, sections 2-91 to 2-100. Official, current versions of these rules and regulations may be obtained at the City Clerk’s office. For the Clerk’s office location and hours, visit the City’s website, www.denvergov.org.