



San Miguel Authority for Regional Transportation

Open Records Policy

Purpose

- To establish general policies and procedures for providing access to public records maintained by the San Miguel Authority for Regional Transportation (SMART) pursuant to and as a supplement to the Colorado Open Records Act (“CORA”). (Section 24-72-200.1, et. seq. Colorado Revised Statutes.
- To establish reasonable and standardized fees for records requests.

Policy

SMART shall make public records open for inspection pursuant to CORA.

- Records shall be made available for public inspection and copying within three (3) business days of a request unless extenuating circumstances exist as provided in CORA.
- If extenuating circumstances exist, this time frame may be extended to seven (7) business days.
- If the estimated cost of complying with the public records request is \$50.00 or more, the SMART Executive Director will require the person making the request to pay a deposit toward SMART’s estimated cost of compliance with the request prior to SMART fulfilling the request. The SMART Executive Director will return any amount of the deposit in excess of the actual costs, and shall collect any amount by which the actual costs exceed the amount deposited. No copies shall be released until all amounts due have been paid.
- The SMART Executive Director, for purposes of adhering to CORA, is hereby designated the custodian of all SMART public records.

What is a Public Record?

The term “Public records” is defined in Section 24-72-202 (IV) of CORA.

- Many documents prepared in the normal course of SMART business are open records and subject to disclosure.
- Documents that include sensitive personnel, legal, financial, law enforcement of customer records, documents created as part of the deliberative process, and certain copyrighted materials may not be subject to public disclosure. Some examples would include personnel files and attorney client communications.

Important note: When in doubt about whether or not a requested record is subject to disclosure, please refer to CORA and/or consult with the SMART Executive Director or the SMART Attorney. *Failure* to disclose a public record is a violation of the Act. *In addition*, release of a record that is not subject to public disclosure is also a violation of CORA.