

## **Policies and Procedures for Public Access to Administrative Records**

The following policies and procedures govern all public requests for access to administrative records in the custody of the Office of Judicial Performance Evaluation. These policies and procedures are adopted to provide general information regarding the process and fees related to a request for information made pursuant to [Public Access to Information and Records Rule 2 \(P.A.I.R.R.2\)](#) and to promote the goal of transparency in the Judicial Branch.

Requests that cite the federal Freedom of Information Act or the Colorado Open Records Act, section 24-72-200.1, et seq., C.R.S. will be treated as though they were made pursuant to P.A.I.R.R. 2 and the rule provisions shall apply to the request. All requests for administrative records must at minimum include the following information: date the request was delivered to the record custodian, requested record, and requestor's name, address, telephone number and email address.

To assist in making the process as swift, inexpensive and efficient as possible, anyone requesting documents should be aware of the following:

1. Any request for inspection of administrative records must be made in accordance with the procedures adopted by the Office of Judicial Performance Evaluation.
2. Office of Judicial Performance Evaluation can only produce those records already in existence and maintained by the office. The Rule does not require disclosure or compilation of selected information or data that may be contained in those records.
3. The Office of Judicial Performance Evaluation will determine the format in which records will be inspected or produced. In making this decision, consideration will be given to such factors as the format in which the record is stored and the number of records requested. Consideration will also be given to the format requested by the requestor. However, **requests for inspection of records in specific formats cannot always be accommodated and, if accommodated, may lead to extra cost.**
4. Fees will be charged to recover the cost of responding to requests. Fees will be charged for such things as time spent researching the existence of the administrative record, time spent redacting from the record any information that may or must not be disclosed, and costs related to copying the record and certifying the record, if applicable. A list of fees is set forth below.
5. If a record is not available for inspection, the requestor may request a written statement setting forth the grounds for denial of the request. A response must be provided within a reasonable time.
6. If a recipient of a request is not the custodian of the record sought, but the recipient knows or believes the custodian is or may be someone else in the state Judicial Branch, the recipient will so inform the requestor.
7. Other court rules pertaining to the inspection and confidentiality of records may apply to your request to inspect records. Those rules may alter the process, time limits, and records available in responding to your request.

8. If the requestor is unable to identify the specific record(s) sought, the requestor is encouraged to contact the custodian in advance of submitting a request for assistance.
9. Be specific. Overly general or broad requests may result in a large number of records being produced at a cost to you.

### **Fees**

The Office of Judicial Performance Evaluation charges fees to recover costs incurred in connection with responding to a request for records. Prior to responding to a request, the custodian will provide you with an estimate of the costs associated with responding to the request. The records will not be retrieved, redacted, copied or otherwise produced until payment of the cost estimate is received. If, after the records are gathered, redacted and copied/scanned, the estimate is too small, records will not be produced until the balance due is paid. If the estimate is greater than the actual cost of production, the overpayment will be returned at the time the records are produced.

### **Copies, scanned images or data storage device:**

1. A fee of \$ .25 per page (\$.50 if double-sided) may be charged for a photocopy or scanned image of a record.
2. If a substantial request is made requiring the production of more than 20 pages of documents the requestor will be charged \$.25 per page (\$.50 if double-sided) for all documents photocopied, scanned or produced.
3. If the record is provided on a data storage device, the actual cost of the data storage device will also be charged.

### **Research, retrieval, redaction, supervising inspection:**

If extensive review or research, including redaction of documents, is required to provide the information requested, a fee may be assessed at the rate of \$30.00 per hour to recoup the costs of Office of Judicial Performance Evaluation's employee time and resources.

### **Notice to Requestor.**

Prior to fulfilling a request for administrative records that will involve the assessment of fees, the Office of Judicial Performance Evaluation will provide the requestor with advance notice of an estimate of the cost of complying with the request. Payment of the actual cost must be received prior to delivery of the requested record

Approved by Kent J. Wagner  
Office of Judicial Performance Evaluation