

Adams County Communications Center (ADCOM)
Policy Regarding Requests for Public and Criminal Justice Records
Effective January 15, 2014

PURPOSE

To establish the rules and procedures for requesting to inspect or obtain copies of ADCOM records consistent with the requirements of and authority granted by Applicable Law.

DEFINITIONS

1. "***Applicable Law***" means all federal, state, and local laws, rules, and regulations governing requests to inspect or obtain copies of ADCOM records, including but not limited to, the Colorado Public (Open) Records Act, C.R.S. § 24-72-201, *et seq.*; Colorado Criminal Justice Records Act, C.R.S. § 24-72-301, *et seq.*; Children's Code Records and Information Act, C.R.S. § 19-1-301, *et seq.*; and HIPAA.
2. "***Criminal Justice Records***" has the meaning set forth in the Colorado Criminal Justice Records Act, C.R.S. § 24-72-301, *et seq.*
3. "***HIPAA***" means the federal Health Insurance Portability and Accountability Act of 1996 and its implementing regulations.
4. "***Public Records***" has the meaning set forth in the Colorado Public (Open) Records Act, C.R.S. § 24-72-201, *et seq.*
5. "***Requested Record(s)***" means the Public Records and/or Criminal Justice Records that are subject to a specific request pursuant to this policy.

PROCEDURE

1. All requests for Public Records and/or Criminal Justice Records shall be in writing using ADCOM's *Records Request Form*. Anyone making a verbal request will be asked to submit the request in writing, and no action related to the request will be taken until a completed and signed *Records Request Form* is received. The *Records Request Form* is available on ADCOM's website at <http://www.adcom911.org/> or at its administrative offices, 7321 Birch Street, Commerce City, CO 80022.
2. All requests for Public Records and/or Criminal Justice Records must comply with Applicable Law. ADCOM will comply with Applicable Law with respect to whether it must, may, or cannot produce the Requested Records and the fees it charges for producing the Requested Records.
 - a. If the Requested Records contain health information protected from disclosure under HIPAA, an *Authorization to Release Medical Information* pursuant to 45 C.F.R. 164.508 must be submitted before ADCOM will produce the Requested Records.
 - b. If the Requested Records contain Criminal Justice Records, a *Statement Affirming No Pecuniary Gain* must be submitted before ADCOM will produce the Requested Records.

3. Upon receipt of a completed and signed *Records Request Form* and required attachments, if any, ADCOM will prepare the Requested Records for inspection at ADCOM's administrative offices, or, at the record requester's direction, delivery by (a) in-person pick-up, (b) mail, (c) fax, or (d) email. ADCOM will not transmit Requested Records containing Protected Health Information (as defined by HIPAA) via fax or email unless the record requester also submits an *Authorization to Release Medical Information* specifically authorizing transmission via electronic means.

FEES AND CHARGES

1. Where the fee for a certified copy or other copy, printout, or photograph of a Requested Record is established by Applicable Law, that fee will be charged. If a fee is not established by Applicable Law, ADCOM will furnish copies, printouts, or photographs of a Requested Record for 25¢ per standard page, or at ADCOM's actual cost for any non-standard page. ADCOM will charge the actual costs it incurs in having an outside copying facility make copies off-site.
2. If in response to a request, ADCOM performs a manipulation of data so as to generate a record in a form not used by ADCOM (including a privilege log and preparation of 9-1-1 voice recordings), ADCOM will charge a \$30 per hour administrative fee; provided that the fee will not exceed the actual cost of manipulating the data and generating the record. An individual or entity making a subsequent request for the same or similar records will be charged the same fee.
3. If the amount of time required to research and retrieve the Requested Records exceeds 1 hour (including the time required to identify, segregate, and/or redact records that cannot or may not be produced), ADCOM will charge a \$30 per hour research and retrieval fee.
4. If ADCOM transmits Requested Records by U.S. mail or other delivery service, ADCOM will charge the actual mailing/delivery costs it incurs. A transmission fee will not be charged for Requested Records transmitted by fax or email.
5. ADCOM may require the record requester to pay, or make satisfactory arrangements to pay, all fees and costs incurred in responding to the records request before ADCOM releases the Requested Records. Unless extenuating circumstances exist, ADCOM will transmit the Requested Records within three business days following its receipt of, or making satisfactory arrangements to receive, such payment.