BOARD OF DIRECTORS – AVHD Colorado Open Records Act (CORA) Policy

POLICY:

The Aspen Valley Hospital District (the "**District**") Board of Directors fully supports, and complies with, all Federal and State of Colorado ("**State**") laws relating to the retention, protection and disclosure of District records including, but not limited to, the Colorado Open Records Act, Title 24, Article 72, Part 2, C.R.S. ("**CORA**"), the Health Insurance Portability and Accountability Act of 1996 ("**HIPAA**"), and the Privacy Rule promulgated by the U.S. Department of Health and Human Services which interprets and implements HIPAA.

It is the policy of the District that all public records shall be open for inspection by any person at reasonable times, except as otherwise provided by law. Public records are generally defined by CORA as all writings made, maintained or kept by the District for use in the exercise of functions required or authorized by law or administrative rule or involving the receipt or expenditure of public funds, subject to certain exceptions. Section 24-72-202(6)(a)(1), C.R.S. Public records generally include the correspondence of elected officials, with certain exceptions. The District maintains an archive of e-mail messages for emergency backup purposes only; such archived e-mail communications are not individually retrievable and are specifically not intended to create a public record.

The Board recognizes that transparency and public access to governmental records are essential to public accountability and fully supports the public's right to inspect public records in accordance with CORA, but that State law recognizes that a balance must be made between transparency and serving the public.

Consistent with CORA, the Board desires to establish reasonable procedures governing the submission, administration, processing, and payment of costs associated with requests for District records so that the District may respond to such requests efficiently and consistently.

The Secretary of the Board is hereby designated as the Official Custodian responsible for the maintenance, care and keeping of all records of the District. The Official Custodian shall have authority to designate such agents as he/she shall determine appropriate to perform any and all acts necessary to enforce and execute the provisions of this policy. Upon receipt, requests by a citizen, entity, Federal or State agency, subpoena, Administrative or Court Order, or other legal process, to inspect and/or copy any District record (collectively referred to as a "**Records Request**") should be immediately sent to the Official Custodian.

PROCEDURE: The District as a special district, local government shall follow the process outlined in CORA. The below represents a basic summary, but is not intended to be complete. Refer to the Colorado Revised Statutes in effect for a full description.

1. Submittal of Records Request.

a. All requests for inspection or production of public records pursuant to CORA shall be submitted using the District's CORA request form attached hereto as Exhibit A and incorporated herein by this reference (the "**CORA Request Form**"). For purposes of administering this policy, determining applicable research and retrieval time and Fees (as defined below), and calculating any required deposit, the Official Custodian may administer multiple CORA Request Forms submitted by the same requestor, or on behalf of the same requestor, as a single records request (collectively, a "**Records Request**") when such requests are submitted within a 30 calendar-day period.

b. The submission of multiple CORA Request Forms shall not be used to divide a single or related request into separate requests for purposes of avoiding otherwise applicable Fees or deposit requirements under this Policy. In determining whether CORA Request Forms constitute a single Records Request for purposes of this Policy, the Official Custodian may consider, among other things, when the CORA Request Forms are submitted, the subject matter of the requests, the records or categories of records sought, the applicable date ranges, the persons or entities identified in the requests, and the extent to which the research, retrieval, review, or production necessary to respond to one request overlaps with that required to respond to another.

c. Nothing in this policy is intended to extend any deadline established by CORA or otherwise limit a requestor's substantive right to inspect public records under applicable law.

2. Responding to Records Request.

a. All public records of the District shall be open for inspection at the times designated herein, unless prohibited by the provisions of CORA or policies adopted by the Board in conformance with CORA.

b. Every CORA Request Form shall be submitted to the Official Custodian in writing. If not submitted to the Official Custodian, any District employee or Board Member that receives the Records Request shall promptly send the CORA Request Form to the Official Custodian.

c. If any question arises as to the propriety of fully complying with a Records Request, the Official Custodian shall forward it to the District's legal counsel.

d. The District's legal counsel shall determine the District's obligations under the applicable Federal and/or State law(s). If the District is permitted to comply with the Records Request in whole or in part, the

District's legal counsel will so notify the Official Custodian, who will assemble the disclosable requested documents for inspection and/or copying in accordance with applicable Federal or State law.

e. If the District's legal counsel determines the District is not permitted by Federal or State law to comply with the Records Request in whole or in part, legal counsel shall provide a written response to the party submitting the Records Request stating the legal basis upon which the Records Request in whole or in part is being denied.

f. If the District is permitted to make records available for inspection in whole or in part, the Official Custodian will assemble the disclosable requested documents for inspection and/or copying in accordance with applicable Federal or State law.

g. Following the denial of a Records Request, if the requestor is not satisfied and upon receipt of the required written notice from the requesting individual that he or she will seek relief from the District Court, the Official Custodian will attempt to meet in-person or speak by telephone with the requesting individual. District personnel are encouraged to utilize all possible means to attempt to resolve any dispute during this time period and will provide a written summary of the District's position at the end of that period to the requestor and to the Board.

h. Pursuant to CORA, all records will be made available for inspection within 3 working days from the Official Custodian's receipt of the applicable CORA Request Form, and applicable deposit as set forth herein, unless extenuating circumstances exist. The deadline may be extended by 7 working days if extenuating circumstances exist and the requesting party is notified of the delay within 3 working days of the Official Custodian's receipt of the request. The Official Custodian may set the time during normal office hours and the place for records to be inspected, and require that the Official Custodian or a delegated employee be present while the records are examined.

i. A public record stored in a digital format that is neither searchable nor sortable will be provided in a digital format. A public record stored in a digital format that is searchable and/or sortable will be provided in such digital format, unless (1) the public record is in a searchable or sortable format and producing the record in the requested format would violate the terms of any copyright or licensing agreement between the District and a third party; (2) producing the record would result in the release of a third party's proprietary information; (3) after making reasonable inquiries, it is not technologically or practically feasible to provide a copy of the record in a searchable or sortable format; or (4) if the Official Custodian would be required to purchase software or create additional programming functionality in its existing software to remove the information. Altering an existing

digital public record, or excising fields of information that the Official Custodian is either required or permitted to withhold under this paragraph, does not constitute the creation of a new public record.

j. No person shall be permitted to inspect or copy any records of the District if, in the opinion of the Official Custodian after consultation with the District's legal counsel, such inspection or copying would come within the prohibition of one or more exemptions set forth in CORA.

3. Fees. The Official Custodian may charge the following fees (collectively, the "**Fees**") for responding to a Records Request:

a. Printouts, photographs, and copies, when requested, will be provided at a cost of $0.25 per standard page, and at the actual costs of production for any non-standard page (the "**Copying Fee**"). A standard page shall mean an 8.5-inch by 11-inch black and white copy.

b. When it is impractical to make the copy, printout, or photograph of the requested record at the place where the record is kept, the Official Custodian may allow arrangements to be made for the copy, printout, or photograph to be made at other facilities and the cost of providing the requested records will be paid by the person making the request (the "**Outside Copying Fee**").

c. If a copy, printout or photograph of a public record is necessary or requested to be provided in a format other than a standard page, the costs will be assessed at the actual cost of production (the "**Production Fee**").

d. If data must be manipulated in order to generate a record in a form not otherwise used by the District, such data manipulation will be assessed at the actual costs to the District (the "**Manipulation Fee**"); however, the District is in no way obligated to generate a record that is not otherwise kept, made, or maintained by the District.

e. The cost for transmitting the requested records will be charged at the actual cost of such delivery (the "**Transmission Fee**"). Transmission Fees will not be charged for transmitting any record via electronic mail, when requested.

f. When the location or existence of specific documents must be researched and the documents must be retrieved, sorted or reviewed for applicability to the request, and such process requires more than 1 hour of staff and/or consultants' time, the Official Custodian may charge a research and retrieval fee not to exceed $41.37 per hour, or the maximum amount allowed by the Executive Committee of the State Legislative Council at the time of the request, whichever is greater (the "**Research and Retrieval Fee**"). For purposes of determining research and retrieval time and the

application of any no-charge period required by CORA, related CORA Request Forms administered as a single Records Request pursuant to Paragraph 1 shall be considered together to the extent permitted by applicable law. Further, the time spent by the Official Custodian and staff communicating with any requestor about a Records Request, including without limitation determining the scope of the request, necessarily reduces the time the Official Custodian and/or staff is able to perform other functions in furtherance of the District and its constituents and therefore such efforts constitute research and retrieval time and subject to the Research and Retrieval Fee.

g. If any requested records are protected by a privilege (for example, but not limited to, the work product or attorney-client privileges) the District may charge the actual costs of creating a privilege log identifying the privileged records (the "**Privilege Fee**"). If legal assistance or review is necessary to create the privilege log, the Privilege Fee may include the actual costs for such legal assistance.

h. No records shall be provided until all Fees, including without limitation the Research and Retrieval Fee, owed by any requestor is paid in full.

i. Any increases in the Fees set forth above, including without limitation the Research and Retrieval Fee, shall be effective immediately upon posting on the District's website.

4. Deposit.

a. Before commencing work on a Records Request for which the District reasonably anticipates charging Fees, the Official Custodian may prepare an estimate of the Fees reasonably anticipated to be incurred in researching, retrieving, reviewing, compiling, redacting, reproducing, or otherwise responding to the Records Request. In preparing the estimate, the Official Custodian may consider all CORA Request Forms constituting a single Records Request under Paragraph 1 and may estimate the Fees based upon the work reasonably anticipated to be necessary to respond to the Records Request as a whole. If the estimated Fees to produce the records exceeds $50, the District may require a 50% deposit of the estimated Fees prior to commencing work to produce the records. If, while the District is processing a Records Request, the same requestor submits an additional CORA Request Form that is administered as part of the same Records Request, as determined by the Official Custodian pursuant to Paragraph 1, the Official Custodian may revise the estimate to account for the additional or overlapping work reasonably anticipated to be required.

b. If a revised estimate increases the required deposit, the District may require payment of the difference between the deposit previously paid

and the deposit required based upon the revised estimate before commencing work attributable to the additional request. A requestor may not avoid an otherwise applicable deposit requirement by dividing a Records Request into multiple CORA Request Forms or submitting related requests at different times.

c. Any estimate provided by the District is an estimate only and does not constitute a cap on the Fees that may lawfully be charged. If the actual Fees incurred are less than the amount deposited, the District shall refund or credit the difference, as applicable. If the actual Fees exceed the amount deposited, the requestor shall pay the remaining balance before the District releases the final responsive records, except as otherwise required by law.

5. Website.

a. This Policy and the CORA Request Form shall be placed on the District's website.

b. The Official Custodian is directed to update this policy to update Fees pursuant to Paragraph 3 without further action of the Board.

This policy shall supersede any previous policy related to records requests.

REFERENCES:

CRS – Title 24, Article 72, Part 2 ("CORA")
HIPAA

APPROVAL: Aspen Valley Hospital District Board of Directors November 9, 2026

EXHIBIT A

CORA REQUEST FORM FOR ASPEN VALLEY HOSPITAL DISTRICT

Date of Request: _____

Name of Requesting Party: _____

Contact Information

Email: _____

Phone: _____

Address: _____

Are you a Resident or Property Owner in the District: □ Yes □ No

Public Record(s) Requested (please be as specific as possible):

_____

_____

_____

_____

_____

_____

_____

Dates Applicable to Request: From _____ To: _____

Document Review Preference: (if options are available)
□ In person
□ E-mail
□ Photocopy
□ Other (specify below):

_____

Do you need record(s) provided in an accessible format due to a disability defined under Colorado House Bill 21-1110? □ Yes □ No

DEPOSIT: Any request estimated to exceed $50 in Fees authorized by the District's Open Records Policy will be required to submit a deposit in an amount determined by the Official Custodian based on estimated costs.

In order to limit charges, requests should be as specific as possible. Requestor is responsible for all charges incurred by the District including any unwanted information received due to the inability to make a specific request. Requestor is advised that this Form is itself an Open Record.