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# Frequently Asked Questions [1]

# Frequently Asked Questions

Below are answers to the most common questions that we receive.?

## What is a public record?

Public records include all “writings” made, maintained or kept by the state or any agency, institution or political subdivision “for use in the exercise of functions required or authorized by law or administrative rule?or?involving the receipt or expenditure of public funds.”?C.R.S. § 24-72-202(6)(a)(I).?

“Writings” includes books, papers, maps, photographs, cards, tapes, recordings or other documentary materials, regardless of physical form or characteristics, as well as digitally stored data, including electronic mail and text messages. The definition excludes computer software.?C.R.S. § 24-72-202(7).

## Who can make a public records request?

Anyone is allowed to file a CORA request.

## When will I get a response?

CORA says records must be made available within three business days after receipt of the request.  The three-day period can be extended under certain circumstances.  Production of records is also contingent upon payment of fees, when applicable.

## Are there charges for making a request?

If employee time is expected to exceed one hour, the University is allowed to charge a statutory hourly rate in accordance with § 24-72-205(6)(a), C.R.S.  Before fulfilling a request, the University will provide a cost estimate to the requestor. The cost estimate will include the estimated time for staff to research, retrieve, review, assemble, and transmit the records. The University does not waive fees associated with fulfilling CORA requests. All fees must be paid before any work commences and before any records are released.

## What records are confidential and not subject to CORA?

While the University of Colorado is committed to being open, accountable and transparent, state and federal law prohibit the university from releasing certain types of information.

Prohibitions include, but are not limited to:

- Student records, which are protected under the Family Education Rights and Privacy Act of 1974 (FERPA), unless the student waives their right to non-disclosure.
- Personnel records, including any record that contains “home addresses, phone numbers, financial information and other data kept because of the employment relationship.” However, the following records, which would otherwise be protected personnel records, are available for public inspection by law: applications of past or current employees, employment agreements, any amount paid or benefit provided, incident to termination of employment, performance ratings, final sabbatical reports, or any record of compensation, including expense allowances and benefits.
- Information protected by the attorney-client and attorney work product privileges, or other applicable legal privilege.
- The record of an executive session meeting of a state public body.
- Records of candidate searches for an executive position.
- Records of sexual harassment complaints or investigations.
- Medical, mental health, sociological, and scholastic achievement data on an individual.
- Library records disclosing the identity of the user.
- The specific details of bona fide research projects being conducted by the university.
- Any records that contain information related to the identity of a donor or prospective donor, the amount of any actual or prospective gift or donation to a university-related foundation, proprietary fund-raising information, or agreements or other documents relating to gifts or donations or prospective gifts or donations.
- Records containing trade secrets, privileged information, and confidential commercial, financial, geological, or geophysical data furnished by or obtained from any person.

## What if only portions of a document appear to be confidential?

If only some information is confidential, that confidential portion is generally redacted or blacked out. The document is then provided to the requestor with the redactions explained by reference to the appropriate section of the law.

## Additional Resources

APS 2022 – Colorado Open Records Act Policy
https://www.cu.edu/ope/aps/2022 [2]

APS 2006 – Record Retention Policy
https://www.cu.edu/ope/aps/2006 [3]

University Relations Department
https://www.cu.edu/university-relations [4]

**Groups audience:**
Colorado Open Records Act (CORA)

**Source URL:**https://www.cu.edu/records/frequently-asked-questions

**Links**
[1] https://www.cu.edu/records/frequently-asked-questions [2] https://www.cu.edu/ope/aps/2022
[3] https://www.cu.edu/ope/aps/2006 [4] https://www.cu.edu/university-relations