

OPEN RECORDS REQUESTS

RECORDS OF SPECIALIZED DETAILS OF SECURITY ARRANGEMENTS OR INVESTIGATIONS

Records of the expenditure of public moneys on security arrangements or investigations, including CONTRACTS FOR SECURITY ARRANGEMENTS AND RECORDS RELATED TO THE PROCUREMENT OF, BUDGETING FOR, OR EXPENDITURES ON SECURITY SYSTEMS, **SHALL BE OPEN FOR INSPECTION, EXCEPT** to the extent that they contain specialized details of security arrangements or investigations. C.R.S. 24-72-204 (2) (a) (VIII) (B)

General Principals

The following general principals should apply to the release of information related to Specialized Details of Security Arrangements or Investigations:

- The public has a right to know their tax dollars are being appropriately spent and they are being protected from a variety of threats.
- The release of information should create a balance between the right of citizens to be informed about government activities and the need to maintain confidentiality of some government records. Public safety and public interest needs to be served.
- Governmental agencies use information to protect society at large. Confidentiality may be crucial to the protection of society and can result in life-or-death consequences.
- Disclosure should not occur if it would jeopardize the safety of persons or the public safety through sabotage or criminal or terrorist acts. Furthermore, disclosure should not occur when necessary for the protection of life, safety, or public property. For example, security plans and vulnerability assessments for any public utility, technology infrastructure, building, facility, function, or activity in effect pertaining to a plan or assessment; any plan for protection against terrorist or other attacks, which plan depends for its effectiveness in whole or in part upon a lack of general public knowledge of its details; and any document relating to the existence, nature, location, or function of security devices designed to protect against terrorist or other attacks, which devices depend for their effectiveness in whole or in part upon a lack of general public knowledge.

The following guidelines have been promulgated based on specific input from Colorado sheriff's, chiefs of police, fire chiefs, the Attorney General's office, first responders, local officials and others, and are designed to enhance consistent interpretation and application of laws governing public access to such records of specialized details of security arrangements or investigations.

Procedure for referral:

Concerning only records of specialized details of security arrangements or investigations, “If an Official Custodian has custody of a public record provided by another public entity, including the state or a political subdivision, the official custodian shall refer a request to inspect the public record to the official custodian of the public entity that provided the public record and shall disclose to the person making the request the name/s of the public entity and its official custodian to which the request is referred. C.R.S. 24-72-204 (2) (a) (VIII) (C)

State Agency (DOLA or DPS)

- Upon receiving an open records request the State Agency will within three (3) business days refer the request to the official custodian whether that be a state agency or political subdivision.
- The State Agency shall provide the name/s, address and telephone number of the official custodian to the person making the request.
- The State Agency will also notify the region and respective regional coordinator.

Official Custodian (State Agency, Political Subdivision, Regional Fiscal Agent, Regional Coordinator)

- The Official Custodian shall notify all other affected political subdivisions of the open records request.
- The Official Custodian may request more time, as allowed by statute, of the person making the request for inspection of the records.
- The Official Custodian shall consult with the region and regional coordinator before responding to the request.
- The Official Custodian of any multi-jurisdictional entity shall provide the name/s, address/s and telephone number/s of the custodian of each affected political subdivision to the person making the request.

Standardized Guidelines for Release of Information

A Custodian may deny the right of inspection of only the portions of the record concerning the expenditure of public moneys on security arrangements or investigations that contain specialized details of security arrangements or investigations. C.R.S. 24-72-204 (2) (a) (VIII) (B)

In an effort to be consistent and encourage proper disclosure of public expenditures without endangering the public’s safety the following is a suggested list of items that may be denied inspection where disclosure of such detail or costs would reveal security capabilities and/or weaknesses:

The Grant File

- Grant Application
 - ✓ Portions of the application narrative describing specific agencies requesting items, the location of shared equipment or supplies, the total number of items ordered, and the cost per item.
 - ✓ Budget detail
 - ✓ Listing of all requested items and their associated costs
 - ✓ Those portions of the equipment itemization sheet reflecting the priority of the request, the agencies requesting the items, the total number of items ordered, the make or model and the cost per item.
 - ✓ Those portions of the supplies-operating itemization sheet reflecting the priority of the request, the agencies requesting the items, the total number of items ordered, the make or model and the cost per item.

- Narrative Reports, Financial Reports or Reimbursement requests
 - ✓ Portions of the narrative describing specific agencies requesting items, the location of shared equipment or supplies, the total number of items ordered, the total number of items received, the make or model and the cost per item.
 - ✓ Any dates or timelines for completion
 - ✓ Any specific details regarding the completion of planning, training or exercising activities and any delays in receiving equipment or supplies or the date of delivery of equipment or supplies.
 - ✓ Any written comments listed under “problem areas”

- Attachments to the contract
 - ✓ Any budget detail describing the award exactly
 - ✓ Portions of the grant application as described above

- Correspondence reflecting the priority of the request, the specific agencies requesting the items, the location of equipment or supplies, the total number of items ordered, the total number of items received, the make or model and the cost per item.

Planning documents

- ✓ All Terrorism Preparedness Plans – C.R.S.24-33.5-1604 (2) (b) (II)
- ✓ Any portion of a plan related to specific objectives or policies
- ✓ All plans in support of Critical Infrastructure
- ✓ All plans in support of Buffer Zone Protection

Exercise planning and after-action reports

- ✓ All “Areas for Improvement” parts, sections or sub sections
- ✓ Full Scale Events Synopsis section/s
- ✓ Analysis of Mission Outcomes – the portion documenting the evaluation team and exercise design team responses

- ✓ Analysis of Critical Task Performance section/s
- ✓ Portions of the Conclusion illustrating vulnerabilities
- ✓ Any and all Improvement Plans
- ✓ Any Maps showing specific staging, equipment or critical infrastructure locations

Equipment

- ✓ The total number of items ordered, the total number of items received, the make or model, and the cost per item of any equipment or supplies.
- ✓ Equipment items surplus and disposition.
- ✓ Location of specific equipment

Risk Assessments

- ✓ Risk and Vulnerability assessments

Critical Infrastructure

- ✓ Assessments
- ✓ Written reports
- ✓ Grant requests

Buffer Zone Protection

- ✓ Assessments
- ✓ Written reports
- ✓ Grant requests

Colorado Information Analysis Center

- ✓ All reports
- ✓ Infrastructure plans and equipment
- ✓ Personnel information

Both the State and Local governments understand the need to protect the public's interest, however we have a responsibility to be accountable to the public and release certain information. Suggested generalized list of items to be considered for release:

Local Government procurement and contract procedures

Categories of equipment

General equipment items including a broad statement of capabilities

Categories of equipment within the grant award and approximate costs

Total dollars awarded and total dollars expended

Correlation of Equipment, plans or exercises with the PUBLIC version of the State Strategy