

G038. 13/78/ MAY/31



State of Colorado
EXECUTIVE CHAMBERS
DENVER

EXECUTIVE ORDER

POLICIES AND PROCEDURES FOR PROVIDING THE PUBLIC WITH REASONABLE
ACCESS TO PUBLIC RECORDS

"WHEREAS, the Executive Branch of State government, inclusive of its various departments, agencies, and institutions, is under a continuing duty to provide the public with reasonable access to a vast quantity of public records pursuant to the requirements of part of Article 72, Title 24, C.R.S., 1973, as amended; and

WHEREAS, many public records are stored by the use of computer technology in order to provide a more responsive, uniform, and efficient fulfillment of the duties imposed by law upon the various departments, agencies, and institutions of the Executive Branch; and

WHEREAS, the right of public access to such data is further limited by certain provisions of Part 2 Article 72, Title 24, C.R.S. 1973, as amended; and

WHEREAS, in order to preserve and protect the rights of individuals and private businesses against unlawful and unauthorized invasion of privacy and confidentiality, the access to data which is stored on computer equipment owned, leased or operated by an Executive department, agency or institution must be limited by procedural guidelines designed to minimize such unlawful and unauthorized conduct; and

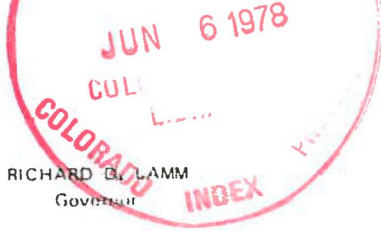
WHEREAS, the process by which such data is accessed and retrieved from computer equipment owned, leased or operated by an Executive department, agency or institution is costly; and

WHEREAS, the resources, necessary to provide direct access to such computer data by all potential governmental and non-governmental users are presently not available to the Executive Branch so as to permit direct access to such data by all who may desire to do so; and

WHEREAS, pursuant to C.R.S. 1973, 24-30-603 and 24-30-605, the Colorado Department of Administration's Division of Automated Data Processing and the Director are empowered to adopt rules and regulations establishing procedures and standards for the management of automated data processing facilities for all State departments, agencies, and institutions;

NOW, THEREFORE, I, Richard D. Lamm, Governor of the State of Colorado, by virtue of the authority vested in me under the laws of the State

RICHARD D. LAMM
Governor



of Colorado, do hereby direct that policies and procedures be established to ensure compliance with Article 72, Title 24, C.R.S. 1973, as amended, as follows:

1. The public shall be permitted access to information, records, or data as authorized by the statutes of the State of Colorado.
2. The Executive Director, or the statutorially designed custodians, of the department, division, agency or institution involved shall be the official to whom the public initially directs its request for information, records or data.
3. The above designated State official shall determine whether the requested material constitutes public information, records or data, and that official shall cause the public material to be prepared for the requestor within a reasonable time frame.
4. When the requested public material is contained within a computer system, the State official shall authorize the computer center manager, under whose responsibility the material is entrusted, to have the requested material prepared, subject to computer capability, in either hard copy report format, or on an electronic medium at the requester's option. The public shall not be permitted direct access to computerized public records.
5. The computer center manager will have the above computer output delivered to the authorizing State officer who will effect delivery of the material to the requestor.
6. The requestor shall reimburse the State for the appropriate cost of furnishing such material. The cost will include at least an incremental, variable, or marginal cost of producing the information, records, or data; and may include a reasonable allocation of total cost based on fully absorbed cost accounting procedures. If requested, the State official shall provide to the requestor, in writing, the basis for the charges in furnishing the public information, record or data.

This Order shall be effective the first day of July, 1978.

GIVEN under my hand and the
Executive Seal of the State
of Colorado, this 31st day
of May, 1978.

