



Merit Academy

Public's Right to Know / Freedom of Information

Merit Academy is committed to transparency and open government. The following process applies to requests by members of the public, including parents, community members, media organizations and other third parties, for inspection of public records maintained by Merit Academy. A person who has the right to inspect a public record also has the right to request to be furnished a copy of the record under the Colorado Open Records Act (CORA) ([§ 24-72-201 to 206, C.R.S.](#)).

This regulation helps to ensure that Merit Academy meets all constitutional and statutory duties under CORA to all stakeholders in a timely and orderly manner.

Process for requesting record

1. All requests for public record(s) maintained by Merit Academy shall be specific enough to allow Merit Academy to efficiently identify the requested record and respond to the request. To clarify and facilitate the processing of a request to inspect and/or obtain copies of records, Merit Academy requires that the request be made via mail, e-mail, or submitted in person.
2. If the requested public record is in active use, in storage, or otherwise not readily available at the time of the person's request, the person requesting the record shall be informed of that fact. The custodian of records will then make the record available within a reasonable time of the person's request.
3. Merit Academy will make every effort to make the record available within three working days as required by [§ 24-72-203\(3\)\(b\), C.R.S.](#) The custodian of records can issue an extension, up to seven working days, if extenuating circumstances exist, as described in [§ 24-72-203\(3\)\(b\), C.R.S.](#)
4. If the person seeking the record requests the record(s) be sent, the custodian of records shall notify the person once the record is available that it will only be transmitted when the custodian receives payment or makes arrangements for receiving payment for all costs associated with the record transmission and for all other fees lawfully allowed, unless the custodian waives all or any portion of such costs or fees.
5. Upon receipt of payment of any applicable copy costs and/or other fees, or upon making payment arrangements with the person requesting the record (when applicable), the custodian of the records will either send a copy of the record by electronic mail, or make arrangements for the requestor to collect and/or review the records at Merit Academy.



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6. Inspection of any public record shall take place in an area designated by Merit Academy's custodian of records and shall occur in a manner that will not be disruptive to Merit Academy operations. Merit Academy employees may be assigned to monitor any inspection of public records.
7. The public will not be allowed to directly use either its own or the data processing equipment of Merit Academy when inspecting or copying public records. In every instance, the manual or electronic functions necessary to extract, collage, organize, retrieve, copy, or otherwise manipulate the information and data necessary to produce the record or allow for its inspection shall be performed by Merit Academy personnel, and appropriate fees will apply.

Merit Academy responsibilities

1. Merit Academy has no duty to create a public record that does not already exist.
2. If Merit Academy stores the public record in a digital format, Merit Academy must provide a copy of the record in a digital format. Public records stored in a searchable format must be provided in a searchable format and public records stored in a sortable format must be provided in a sortable format. However, public records do not need to be provided in a searchable or sortable format if any of the following exceptions apply:
 - a. producing the record in the requested format would violate the terms of a copyright or licensing agreement;
 - b. producing the record in the requested format would result in the release of third-party proprietary information;
 - c. after making reasonable inquiries, the records custodian determines that:
 - i. it is not technologically or practically feasible to permanently remove information that Merit Academy is required or permitted to withhold
 - ii. it is not technologically or practically feasible to provide a copy of the record in a searchable or sortable format;
 - iii. producing the record in a searchable or sortable format would require the purchase of software, or the creation of additional programming or functionality in existing software, to remove information Merit Academy is required or permitted to withhold.



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Fees

1. The fee for copying public records will be \$.25 per page unless actual costs exceed that amount.
2. No transmission fee will be charged for transmission via electronic mail.
3. If Merit Academy, in order to fulfill a specific request, processes data to generate a record in a form not used by Merit Academy, it may charge a reasonable fee not to exceed the actual cost of preparing the data and generating the record. Fulfilling such a request will be at the option of Merit Academy. The requestor will have the option to withdraw the request to prevent the expense incurred in using Merit Academy resources to create a new record.
4. If Merit Academy, in response to a substantial request, anticipates more than one hour of staff time will be required to research, retrieve, review or produce records, it may charge a fee of \$30 per hour (after the first hour) for all staff time required to fulfill the request. Any costs to be charged to the requestor shall not to exceed the actual cost to research, retrieve, review and produce the records.
5. For requests where more than one hour of staff time will be consumed, Merit Academy will provide advanced notice and an estimate of the compliance costs to the requestor. Estimated costs must be paid in full before the production of records, unless alternative arrangements have been made with the custodian of records. The three working day response requirement will not include time needed to perfect the agreement on fees.

Denial of access and dispute resolution

1. If Merit Academy denies a request for access to Merit Academy records and the person requesting the records asks for a written statement of the grounds for denial, Merit Academy shall provide a written statement to the person, citing the law or regulation under which Merit Academy denied access.
2. A person denied access to Merit Academy records may seek a court order compelling disclosure.



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3. Before seeking a court order, the person must provide written notice to the records custodian at least 14 days before filing an application in court.
4. During the 14-day period, the records custodian shall meet in person or communicate on the telephone with the person denied access to Merit Academy records to determine if the dispute may be resolved without court involvement.
5. Any common expense necessary to resolve the dispute shall be apportioned equally between the person requesting the records and Merit Academy, unless Merit Academy and person agree to a different method of allocating the costs.
6. In addition to the procedures contained in this regulation, Merit Academy may develop further procedures governing the inspection, copying and transmission of its records as it deems necessary to protect its records and prevent unnecessary interference with Merit Academy staff responsibilities and Merit Academy operations.