

TEMPLATE 05 • COLORADO PUBLIC RECORDS

After a denial

Demand the written grounds for the denial

WHEN TO USE THIS

Send this the same day you are denied. A verbal denial, a bare no responsive records answer, or silence after a partial production all count. This is the document a court reads first.

BEFORE YOU SEND — FILL IN EVERY ONE OF THESE

- | | |
|---|--|
| ☐ Original Subject Line | ☐ CcJra Version |
| ☐ Describe What Was Withheld | ☐ Your Name Or Project Name |
| ☐ Cora Version | |

WHAT THE LAW GIVES YOU**CORA DEADLINE**

Three working days. Up to seven more only with written notice of extenuating circumstances. C.R.S. 24-72-203(3)(b)

FEES

First hour of research and retrieval is free. After that the cap is \$41.37 per hour. C.R.S. 24-72-205(6)

CCJRA DEADLINE

None. But a denial requires written grounds within seventy-two hours on request. C.R.S. 24-72-305(6)

COST

No filing fee. No reason, residency or affiliation required.

HOW TO SEND IT

Copy the letter on the next page into an email, fill in every highlighted field, and send it to the agency's custodian of records. Keep your sent copy and calendar the deadline the day you send it. If the deadline passes, use template 04. If you are denied, use template 05 the same day.

THE LETTER

Everything highlighted below must be replaced before you send this. Delete nothing else. The statutory citations are what make the request enforceable.

Subject: Re: [ORIGINAL SUBJECT LINE] - request for written grounds

[NAME],

Thank you for your response of [DATE]. You have declined to produce [DESCRIBE WHAT WAS WITHHELD].

I am requesting a written statement of the grounds for that denial.

[CORA VERSION] Under C.R.S. 24-72-204(4), that statement must cite the specific statutory provision authorizing the denial.

[CCJRA VERSION] Under C.R.S. 24-72-305(6), that statement must be provided within seventy-two hours and must cite the law or regulation under which access is denied, or describe the general nature of the public interest to be protected.

Please also address the following:

1. For each withheld record or category, the specific exemption relied on. A general reference to the statute as a whole is not a citation to a provision.
1. Whether the record was withheld in full, and if so why redaction of the exempt portion and production of the remainder is not possible.
1. If your position is that no responsive records exist, please confirm that in writing, describe the search performed, including which systems and custodians were searched, and identify any responsive records held by a vendor or contractor on the agency's behalf.
1. If the denial rests on a determination that disclosure would be contrary to the public interest, please identify the interest and state that the required balancing was performed.

I would prefer to resolve this without involving the district court. If there is a narrower version of this request you can fill, propose it and I will consider it.

Thank you,

[YOUR NAME OR PROJECT NAME]

[EMAIL]

[PHONE]

[DATE]

----- IF THEY STILL WILL NOT PRODUCE

CORA: C.R.S. 24-72-204(5) lets you apply to the district court. You must give the custodian written notice of your intent to apply at least fourteen days beforehand. If the court finds the denial was improper, the custodian can be ordered to pay your court costs and attorney fees.

CCJRA: C.R.S. 24-72-305(7) lets you apply to the district court where the record is held for an order to show cause. If the court finds the denial arbitrary or capricious it may order costs and attorney fees, and for a record of an official action it may order the custodian personally to pay up to twenty-five dollars for every day access was improperly denied.

Talk to an attorney before filing anything. I am not one.

END OF TEMPLATE 05 · PAGOSATRANSPARENCY.ORG