A BILL FOR AN ACT

CONCERNING PUBLIC RECORDS THAT ARE SUBJECT TO DENIAL OF INSPECTION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://www.leg.state.co.us/billsummaries.)

The bill allows a custodian to deny access to confidential personal information records and employee personal e-mail addresses. The provisions of the "Colorado Open Records Act" that relate to civil or administrative investigations and trade secrets and other privileged and confidential information apply to the judicial branch.
Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 24-72-202, amend (1), (1.1), (1.2), (1.3), and (4.5); and add (1.4) as follows:

24-72-202. Definitions. As used in this part 2, unless the context otherwise requires:

(1) "Correspondence" means a communication that is sent to or received by one or more specifically identified individuals and that is or can be produced in written form, including, without limitation:

(a) Communications sent via U.S. mail;
(b) Communications sent via private courier;
(c) Communications sent via electronic mail.

(1.1) "Custodian" means and includes the official custodian or any authorized person having personal custody and control of the public records in question. "CORRESPONDENCE" MEANS A COMMUNICATION THAT IS SENT TO OR RECEIVED BY ONE OR MORE SPECIFICALLY IDENTIFIED INDIVIDUALS AND THAT IS OR CAN BE PRODUCED IN WRITTEN FORM, INCLUDING, WITHOUT LIMITATION:

(a) COMMUNICATIONS SENT VIA U.S. MAIL;
(b) COMMUNICATIONS SENT VIA PRIVATE COURIER;
(c) COMMUNICATIONS SENT VIA ELECTRONIC MAIL.

(1.2) "Electronic mail" means an electronic message that is
transmitted between two or more computers or electronic terminals, whether or not the message is converted to hard copy format after receipt and whether or not the message is viewed upon transmission or stored for later retrieval. "Electronic mail" includes electronic messages that are transmitted through a local, regional, or global computer network.

"Custodian" means and includes the official custodian or any authorized person having personal custody and control of the public records in question.

(1.3) "Executive position" means any nonelective employment position with a state agency, institution, or political subdivision, except employment positions in the state personnel system or employment positions in a classified system or civil service system of an institution or political subdivision.

"Electronic mail" or "e-mail" means an electronic message that is transmitted between two or more computers or electronic terminals, whether or not the message is converted to hard copy format after receipt and whether or not the message is viewed upon transmission or stored for later retrieval. "Electronic mail" or "e-mail" includes electronic messages that are transmitted through a local, regional, or global computer network.

(1.4) "Executive position" means any nonelective employment position with a state agency, institution, or political subdivision, except employment positions in the state personnel system or employment positions in a classified system or civil service system of an institution or political subdivision.

(4.5) "Personnel files" means and includes home addresses, telephone numbers, personal e-mail addresses, financial information,
and other information maintained because of the employer-employee
relationship, and other documents specifically exempt from disclosure
under this part 2 or any other provision of law. "Personnel files" does not
include applications of past or current employees, employment
agreements, any amount paid or benefit provided incident to termination
of employment, performance ratings, final sabbatical reports required
under section 23-5-123, C.R.S., or any compensation, including expense
allowances and benefits, paid to employees by the state, its agencies,
institutions, or political subdivisions.

SECTION 2. In Colorado Revised Statutes, 24-72-204, amend
(3) (a) (IV) and (3) (a) (XI) (A); and add (2) (a) (IX) (E) and (2) (a) (X)
as follows:

24-72-204. Allowance or denial of inspection - grounds -
procedure - appeal - definitions. (2) (a) The custodian may deny the
right of inspection of the following records, unless otherwise provided by
law, on the ground that disclosure to the applicant would be contrary to
the public interest:

(IX) (E) THIS SUBPARAGRAPH (IX) ALSO APPLIES TO THE JUDICIAL
BRANCH.

(X) ANY CONFIDENTIAL PERSONAL INFORMATION.

(3) (a) The custodian shall deny the right of inspection of the
following records, unless otherwise provided by law; except that any of
the following records, other than letters of reference concerning
employment, licensing, or issuance of permits, shall be available to the
person in interest under this subsection (3):

(IV) (A) Trade secrets privileged information, and confidential
commercial, financial, geological, or geophysical data, including a social
security number unless disclosure of the number is required, permitted, or authorized by state or federal law, furnished by or obtained from any person.

(B) THIS SUBPARAGRAPH (IV) ALSO APPLIES TO THE JUDICIAL BRANCH.

(XI) (A) Records submitted by or on behalf of an applicant or candidate for an executive position as defined in section 24-72-202 (1.3) (1.4) who is not a finalist. For purposes of this subparagraph (XI), "finalist" means an applicant or candidate for an executive position as the chief executive officer of a state agency, institution, or political subdivision or agency thereof who is a member of the final group of applicants or candidates made public pursuant to section 24-6-402 (3.5), and if only three or fewer applicants or candidates for the chief executive officer position possess the minimum qualifications for the position, said applicants or candidates shall be considered finalists.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.