Hi Sara,

This message corresponds to your Colorado Open Records Act ("CORA") request, dated April 18, 2012. In your request, you ask for several categories of records "regarding acquisition of cell phone location records."

I have sought more information regarding this request, and have come to understand that the Records Section of the University Police/Department of Public Safety at the University of Colorado Boulder ("University" or "Boulder Campus") does not maintain any records related to cell phone location data, however the Dispatch Center ("dispatch") could potentially have such material. I have also come to understand that the use of cell phone locates in dispatch is not for investigative purposes. Rather, in the event of an emergency (i.e. 9-1-1) call whereby dispatch would need to locate an individual, dispatch has a procedure that is used to locate a person suspected of being in need of assistance (e.g., caller unable to speak, suspected suicide, etc.).

I am informed that University Police can provide the procedure used by dispatch, but locating other data is more difficult. If a cell phone locate was initiated in an effort to locate a patient, the data record would consist of notes related to the call itself which is kept in a computer system. Due to the fact that the type of incident in question would be medical in nature, we would have to locate the record and redact patient information. This would require a manual review of every emergency medical call for a time frame specified. While some data is likely releasable under CORA, redactions would be required of patient, victim, juvenile, etc. identifying information prior to release.

Currently, we estimate that undergoing this process would require 7 to 13 hours of staff time for each one-month period requested (or 84 to 156 hours for an annual data set). Further, there appears to be no way to know if such material exists until we review all relevant records. Under the University's open records policy, this process would take considerable University time and resources in order to respond to your request. As such, in compliance with the Boulder Campus's policy, the University is hereby notifying you that the actual costs to undergo this process will far exceed the $.25 per page photocopy cost (which is charged for standard de minimis requests). Pursuant to Colorado law (C.R.S. Section 24-72-205(3) and (5)), the University is authorized to charge requestors its actual costs to respond to a request.

If you wish for us to proceed with this process, please confirm so in writing, and please specify a time frame. The University will then proceed to determine the estimated retrieval time and amount of actual costs for gathering and reviewing the responsive public records and notify you accordingly. We will then require written confirmation that you wish to proceed in light of the estimated retrieval time and actual costs for gathering the records, and you will be required to pay the amount as a deposit prior to the University producing the records. The University will track the amount of time actually spent retrieving records and refund any portion of the deposit that exceeds the actual amount of time spent. Conversely, you will be charged at the quoted rate if actual retrieval time exceeds the estimate.

Please respond in writing as to how you would like to proceed.

Best wishes,
From: Sara Rich [mailto:Srich@aclu-co.org]
Sent: Thursday, April 26, 2012 12:34 PM
To: CORA CU Boulder
Subject: RE: Your CORA Request Dated 4/18/12

Scott,

Thank you for the response. I look forward to hearing from you in the next few days with responsive information.

Sara J. Rich
Staff Attorney
American Civil Liberties Union of Colorado
P.O. Box 18986
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Ph: (720) 402-3107
Fa: (303) 777-1773
srich@aclu-co.org

From: CORA CU Boulder [mailto:coracuboulder@Colorado.EDU]
Sent: Thursday, April 26, 2012 12:32 PM
To: Sara Rich
Subject: Your CORA Request Dated 4/18/12

Hello Sara,

I’m the custodian of records for CU-Boulder, and Joe Roy forwarded to me your CORA request dated 4/18/12. Chief Roy and his office have begun work on gathering responsive materials, but additional time will be required to fully compile and review our records. Pursuant to C.R.S. §24-72-203(3)(b), UC Boulder requires an extension of up to seven working days to respond to your request.

I’m hopeful that I’ll be able to provide you with additional information in the next few days. If you have additional questions or concerns in the meantime, please don’t hesitate to ask. I’ll be happy to help however I can.

Best wishes,

Scott

Scott Bocim
Office of the Chancellor
University of Colorado at Boulder
17 UCB