

## Privacy of Records-Legislative Changes

During the past legislative session, the legislature reviewed and made changes to the process for registering request for privacy of records.

A new update to the Colorado Open Records Act has a lengthy and complex description of the steps a person now needs to take to protect their personal information from public disclosure.

Personal information is often easily obtained by would-be abusers on a variety of pretexts. Prior law did not require an affidavit by the victim, had no fraud penalties for perjury in filling out the required forms, had no exceptions for any commercial or business enterprises, and did not require registration to be lodged with the Secretary of State. The registration now also requires both state and local fees to be paid.

Whether a state program will be more or less effective in preventing the disclosure of personal information to would-be abusers is unclear. It seems to make the information more accessible for commercial purposes. The process also seems likely to enable agencies or requestors to conduct criminal background checks on those requesting the privacy.

The law also provides exceptions for commercial entities, such as phone

companies or utilities. In the past, records from phone companies and utilities have been the easiest and most direct route for abusers to locate victims.

While this bill may be helpful for county departments such as DHS, and may ease administration costs for county clerks, it may not be helpful for adult victims of violence in pursuing protection of their privacy.

As of now there are only a few thousand persons who have registered under the new provisions.

### What This Means For Counties

Email, mail, send or post a notice to all persons registered locally under the older law of their rights and the specific requirements of Colorado Open Records Act, which were adopted two years ago. The list is at CRS 21-21-205 and the exceptions are in that Act as well.

You might also want to let them know that there is a list of entities that can still get their information despite the privacy request. See also CRS 24-21-201- CRS 24-21-214.

For more information, contact CTSI at 303-861-0507.