

Colorado Water Congress and Colorado Association of Municipal Utilities  
SB17-040 Critical Infrastructure Proposal

**Changes to Existing Statute in Bold**

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:

(VIII) (A) Specialized details of security arrangements or investigations, **or records that relate details of the physical and cyber assets of critical infrastructure, including specific engineering, vulnerability, detailed design information, protective measures, emergency response plans, or system operational data, that could be useful to a person in planning an attack on critical infrastructure but does not simply give the general location of the critical infrastructure. For the purposes of this subparagraph "critical infrastructure" includes:**

- (a) **bridges, tunnels, dams, water treatment, supply, and delivery systems, wastewater collection and treatment systems, stormwater systems, railways, airports, communications or broadband networks, electric generation, transmission, distribution systems, natural gas transmission and distribution systems, public buildings;**
- (b) **the exact physical locations of hazardous material not otherwise required to be disclosed under state or federal law; and**
- (c) **the identity of personnel whose primary job responsibility involves protection of such physical or cyber assets.**

Nothing in this subparagraph (VIII) prohibits the custodian from transferring records containing specialized details of security arrangements or investigations, **or the physical and cyber assets of critical infrastructure** to the division of homeland security and emergency management in the department of public safety, the governing body of any city, county, city and county, or other political subdivision of the state, or any federal, state, or local law enforcement agency; except that the custodian shall not transfer any record received from a nongovernmental entity without the prior written consent of the entity unless such information is already publicly available.

(B) Records of the expenditure of public moneys on security arrangements or investigations, **or on the physical and cyber assets of critical infrastructure, including contracts for security arrangements and records related to the procurement of, budgeting for, or expenditures on security systems, shall be open for inspection, except to the extent that they contain specialized details of security arrangements or investigations, or could be useful to a person in planning an attack on critical infrastructure.** A custodian may deny the right of inspection of only the portions of a record described in this sub-subparagraph (B) that contain specialized details of security arrangements or investigations, **or that could be useful to a person in planning an attack on critical infrastructure** and shall allow inspection of the remaining portions of the record.

(C) If an official custodian has custody of a public record provided by another public entity, including the state or a political subdivision, that contains specialized details of security arrangements or investigations, **or records that relate details of the physical and cyber assets of critical infrastructure,** the official custodian shall refer a request to inspect that public record to the official custodian of the public entity that provided the record and shall disclose to the person making the request the names of the public entity and its official custodian to which the request is referred.