

NEW CASTLE COUNTY COUNCIL FREEDOM OF INFORMATION ACT POLICY

REQUESTS FOR PUBLIC RECORDS:

A Freedom of Information Act ("FOIA") request refers to a request to inspect or copy public records under 29 Del. C. Ch.100. All such requests must be filed on the attached form and shall be submitted in writing to New Castle County Council in person, by e-mail, by facsimile, or online via the Council's FOIA website. All requests must adequately describe the records sought in sufficient detail to enable Council to locate the record(s) with reasonable effort. The Requesting Party shall be as specific as possible when requesting records. To assist Council in locating requested records, Council may request that the Requesting Party provide additional information known to the requesting party, such as the types of records, dates, parties to the correspondence, and subject matter of the requested records. Questions or requests for assistance should be submitted to and through the Council's FOIA Coordinator, Nellie Hill at 302-395-8388.

RESPONSES TO REQUESTS:

Council will respond to a FOIA request as soon as possible, but in any event within fifteen (15) days after receipt of the request. The response will be to provide access to the requested records, to deny access to records or parts thereof (with the reasons why and an index of any portion denied), or to advise that additional time is needed because the request is voluminous, requires legal review and advice, or to advise that the record(s) is in storage or archived. Council will advise the requesting party why more time is needed and provide a good-faith estimate of how much additional time is required to fulfill the request if the record(s) cannot be provided within fifteen (15) days of receipt.

In responding to requests for e-mails, Council shall attempt to fulfill the requests from its own records if it may be done with reasonable effort. If it cannot, Council will ask the County's information and technology custodian(s) to e-mail the records to the public body. Council will provide a written cost estimate to the Requesting Party listing any charges expected to be incurred in retrieving the e-mails. Upon receipt of the estimate, the Requesting Party may decide to proceed with, cancel, or modify the request.

If any or all of a FOIA request seeks records controlled by Council but not within its possession or able to be fulfilled with reasonable effort from its records, Council will ask the relevant custodian to provide the non-custodial records to Council. Before so requesting, Council will provide an itemized written cost estimate to the Requesting Party of all charges expected to be incurred in retrieving requested records. Upon receipt of the estimate, the Requesting Party may decide whether to proceed with, cancel or modify the request.

Prior to review by the Requesting Party, Council may review the records. Portions deemed nonpublic under the Act or other applicable provision may be removed.

HOURS OF ON-SITE REVIEW

Council will provide reasonable access to review public records during regular business hours, which are 9:00 a.m. to 5:00 p.m. Requesting parties are asked to arrange to review records before 4:00 p.m. to insure adequate time for retrieval and review by the Requesting Party.

FEES

In addition to the fees for the retrieval of non-custodial documents discussed above, Council will levy an administrative fee requiring more than one hour of staff time to process a request. Charges for administrative fees may include staff time associated with processing the request, including, but not limited to: identifying records, monitoring file reviews, and generating computer records. Such fees shall not include any costs associated with Council's legal review of whether any portion of the requested records is exempt from FOIA. Council will make every effort to ensure that administrative fees are minimized and that fees are reasonable. Council will minimize the use of non-administrative personnel in processing FOIA requests where possible. Council will provide an itemized written cost estimate of administrative fees to the Requesting Party before processing the request, and the Requesting Party then may decide to proceed with, cancel, or modify the request. Administrative fees will be billed per quarter hour at the current hourly pay grade of the lowest-paid employee capable of handling the service. Administrative fees will be in addition to any other charges incurred under this section for copying. When multiple requests are submitted by or on behalf of the Requesting party, Council may in its discretion aggregate staff time for all such requests when computing fees thereunder.

The first 20 pages of standard size, black and white material copied from microfilm or microfiche shall be provided free of charge. The charge for microfilm or microfiche printouts over 20 shall be fifteen (15) cents a sheet or page.

The first 20 pages of standard size, black and white copies of material shall be provided free of charge. The charge for copying standard sized, black and white public records for copies over and above 20 shall be ten (10) cents per sheet or twenty (20) cents for a double-sided sheet. This applies to copies with the following standard paper sizes-8.5" x 11" and 11" by 17". The exception is that the first copy of an ordinance or resolution shall be provided free of charge. The charge for oversized copies is as follows: \$2.00 per 18" x 22" sheet; \$3.00 per 24" by 36" sheet; and \$1.00 per square foot for documents larger than 24" by 36". An additional charge of \$1.00 a sheet shall be assessed for all color copies *or* printouts for standard paper sizes (as described above) and \$1.50 per sheet for larger copies.

Charges for copying records maintained in electronic format will be calculated by the material costs involved in generating the copies (including, but not limited to, DVD, CD, or other electronic storage costs), plus administrative costs.

Council requires that all fees due hereunder be paid prior to any service performed under this section or for the retrieval of documents set forth above.

ADMINISTRATION OF FOIA REQUESTS

Council's FOIA Coordinator will track and log all requests as required by Senate Bill 231 with Senate Amendment 1.

REQUEST FOR PUBLIC RECORDS

PURSUANT TO THE DELAWARE FREEDOM OF INFORMATION ACT
29 Del. C. Ch. 100



TO (name of public body) _____

YOUR NAME _____ DATE OF REQUEST _____

MAILING ADDRESS _____

TELEPHONE (optional) _____ EMAIL (optional) _____

RECORDS REQUESTED: **(Be as specific as you can,** describing types of records, dates, parties to correspondence, subject matter, etc. The public body will make every reasonable effort to assist you in identifying the record being sought.

Requests for voluminous records may be delayed.)

There may be costs involved in responding to your request. The public body can require you to examine the records at the office of the public body. Refer to the public body's policy or regulations for information about costs and access to records. Cash or personal check for charges incurred in fulfilling request must be received prior to release of material requested.

PLEASE CONTACT ME IF COSTS WILL BE GREATER THAN _____

Within 15 business days from receipt of your request the public body must either provide you with access to the records, deny your request, or state that additional time is needed.

FOR OFFICE USE ONLY: FOIA REQUEST NUMBER _____

1. **CONTACT INFORMATION** (where a response may be sent)

Name of requestor (please print): _____

Business Name (if applicable): _____

Address: _____

City, State, Zip: _____

Phone: (h) _____ (w) _____ (cell) _____

Fax: _____ E-mail: _____

Please specify preferred method of communication: _____

Please state with specificity the PUBLIC DOCUMENTS you are seeking pursuant to this request with as much identifying information as possible:

2. Is the information being requested pertaining to pending or potential litigation with New Castle County?

Yes No

3. Specify form in which FOIA request was submitted:

In person Postal Mail Facsimile E-mail

I have read and understand New Castle County Council's Policy regarding requests for public documents under the Freedom of Information Act and attest that the above information is true and correct. (Typing your name in the box is an electronic signature that has a legal status equivalent to a written signature on paper)

Applicant Signature

Date