



Freedom of Information Act Policy

Under 29 Del. C. 100, et seq., the Freedom of Information Act (“FOIA”) establishes the right of the public to inspect and copy public records. Section 10003(b) of the FOIA provides that a public body, including Delaware Design-Lab High School (the “School”), must establish rules and regulations regarding access to public records, as well as fees charged for copying such records.

Any citizen shall be granted access to the School’s public records under the following terms and conditions:

Definitions¹

Public Record means written or recorded information made or received by the School relating to public business. A citizen is entitled to inspect and copy Public Records in the custody of the School. FOIA defines “public record” to include: “information of any kind owned, made, used, retained, received, produced, composed, drafted or otherwise compiled or collected by any public body relating in any way to public business, or in any way of public interest, or in any way related to public purposes regardless of the physical form or characteristic by which such information is stored, recorded or reproduced.” FOIA does not require the School to create a public record.

Under FOIA, the following types of records are exempt:

- Any personnel, medical, or pupil file, the disclosure of which would constitute an invasion of personal privacy, under any State or Federal law as it relates to personnel privacy.
- Financial information obtained from a person that is of a privileged

¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in FOIA.

or confidential nature.

- Investigative files for law enforcement purposes.
- Any records specifically exempted from public disclosure by statute or common law.
- Any records that disclose the identity of the contributor of a bona fide and lawful charitable contribution to the School whenever public anonymity has been requested by the contributor.
- Any records involving labor negotiations or collective bargaining.
- Any records pertaining to pending or potential litigation that are not records of any court.
- Any record of discussions held in executive session.
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Documents in Active Use may be defined as those records required as working documents by the School staff in performing current assignments.

Documents in Storage may be defined as documents officially placed in the custody of the Delaware State Archives.

FOIA Coordinator

The School shall assign a coordinator to respond to all FOIA requests. The FOIA Coordinator may designate other employees to assist. The FOIA Coordinator shall maintain a document tracking all FOIA requests, including the requesting party's contact information; the date the request is received; the School's response deadline; the date of the response, the names, contact information and dates of correspondence with individuals contacted in connection with each request; the dates of review by the School employee, and the names of employees conducting reviews; reasons for any extension; whether documents were made available; the amount of copying and/or administrative fees assessed; and the date of final disposition. References to the FOIA Coordinator include the FOIA Coordinator's designee(s).

Access to Policies and Information Regarding FOIA Requests

The School shall develop and maintain, as part of their web site, access to: this policy, the FOIA Request Form promulgated by the Office of the Attorney General, the name and contact information of the FOIA Coordinator, and the address to which all FOIA requests shall be submitted.

Procedures for Examining, Copying or Requesting Public Records

Except for materials and documents in Active Use or in Storage, all public records may be examined and copies obtained at the office of the School, 179 Stanton Christiana Rd., Newark, DE, during regular business hours. Initial requests to inspect public documents shall be made in writing and delivered in person, by email, by fax or via United States mail. The request shall be as specific as possible and shall describe the records sought in sufficient detail to enable the School to locate the records with reasonable effort.

The FOIA Coordinator may request that the citizen seeking public records provide additional information to assist in locating records such as the types of records, parties to correspondence, and subject matter of the requested records. The FOIA Coordinator shall make every reasonable effort to assist in identifying the records sought. FOIA does not require the School to create records, or prepare summaries or compilations of records.

If the request seeks records in the possession of, and under the control of, another public body, the FOIA Coordinator will promptly forward the request to this public body and notify the Requesting Party that the request has been forwarded. If, on the other hand, the records sought are controlled by the School, but are not within the School's possession, the School will provide an itemized written estimate of the cost of retrieving the records. The Requesting Party will then decide whether to proceed with, cancel, or modify the request.

The School's FOIA Coordinator will respond to the Requesting Party within fifteen (15) business days of receipt of the request as to whether

the information is or is not available and when or where it will be made available. If a delay of the requested records is anticipated, the FOIA Coordinator will explain the reason for the delay and provide an expected date and time when the requesting party will have access to the public records sought.

The review of any requested documents must be performed during regular business hours in the presence of a School employee designated by the FOIA Coordinator. In no event will access be provided at a time, or in a manner, that disrupts the normal operations of the School. No original documents may be removed from School property by the Requesting Party. Review of an original copy of a document will be in the presence of a member of the School and shall be coordinated by the FOIA Officer.

The School will provide emails if it is able to do so with reasonable effort. If the assistance of School information and technology personnel is necessary in order to provide emails, the School will provide the Requesting Party an itemized written estimate of the charges incurred in retrieving such records. The Requesting Party shall then decide whether to proceed with, cancel, or modify the request.

The School reserves the right to deny any request in part or in full to the extent such request does not comply with the requirements of this policy and/or the provisions of FOIA.

Copying

The School may, in its discretion, make the copies at the time of the review or copy and mail the records to the Requesting Party. The Requesting Party may elect to pick up the copies during regular business hours and submit payment at that time.

Requested documents will be copied in existing form, without reformatting or creation of a new document unless such customization is deemed reasonable and appropriate by the School's FOIA Coordinator.

Copying Fees

The cost of providing copies of paper records shall be:

- (a) There is no charge for the first 20 pages of standard sized (i.e. 8.5" x 11"; 8.5" x 14"; and 11" x 17"), black and white copies, and \$0.10 per page for each copy in excess of 20 copies (\$.20 for two sided).
- (b) The charge for copying 18" x 22" shall be \$2.00 per page; 24" x 36" shall be \$3.00 per page; and larger than 24" x 36" shall be \$1.00 per square foot.
- (c) Color copies/printouts shall cost an additional \$1.00 per page for standard sized copies, and an additional \$1.50 per page for larger copies.

Electronically Generated Records

The cost of copying records maintained in electronic format will be equal to the material costs in generating the records (i.e., the DVD, CD, or other electronic storage costs).

Payment

One-half of the estimated fees shall be paid before any service is performed, and the balance is payable upon completion of the service, and prior to receipt of the requested records. Payment for copies is due at the time copies are to be released to the Requesting Party. The School may require prepayment of copying, administrative and mailing fees prior to mailing copies of requested records. The School reserves the right to refuse to provide copies for Requesting Parties who have outstanding balances. School personnel will maintain a receipt register and, upon request, provide a receipt to the Requesting Party when payment is received. All payments will be made to:

Delaware Design-Lab High School
179 Stanton Christiana Rd.
Newark, DE 19702
Attn: FOIA Coordinator

Administrative Fees

There will be no charge for one hour or less of staff time to process a request for records (i.e., identifying records; monitoring review of records; and generating computer records in electronic or print-out form). Administrative fees shall not include legal consultation to determine whether records are exempt from disclosure.

Prior to fulfilling any request requiring a Requesting Party to incur administrative fees, the School will provide an itemized written estimate of the administrative fees. The Requesting Party then will decide whether to proceed with, cancel, or modify the request.

In the event that requests for records maintained in an electronic format can be electronically mailed to the Requesting Party, only the administrative charges in preparing the electronic records will be charged. All electronic files will be sent in a read-only format unless Requesting Party requires Excel format.

Administrative charges will be billed to the Requesting Party per quarter hour. These charges will be billed at the current hourly pay grade rate of the lowest paid School employee capable of performing the service. Every reasonable effort shall be made to minimize administrative fees. Administration charges will be in addition to any copying charges.

When a Requesting Party submits multiple FOIA requests, the School will attempt to avoid, or minimize, administrative fees by aggregating staff time to process such requests.

This policy remains subject to the review and approval of the Board of Directors of Delaware Design-Lab High School at their next regularly scheduled meeting.