

Fort DuPont Redevelopment And Preservation Corporation
Freedom of information Act (“FOIA”) Policy

Part 1 - Purpose

The purpose of this policy is to set forth the procedures for responding to requests from the public for “public records” and to set forth the requirements of the Corporation pertaining to its meetings. The Corporation is a “public body” as that term is defined in 29 *Del. C.* §10002(k), and, as such, is subject to the provisions of the Delaware Freedom of Information Act (“FOIA”). All “public records”, as that term is defined in 29 *Del. C.* §10002(o), shall be open and subject to disclosure to the Requesting Party, except if the information is specifically exempt from disclosure as set forth in 29 *Del. C.* §10002(o). Any “meeting” of the Corporation, as that term is defined in 29 *Del. C.* §10002(j) shall be open to the public, except for those which are closed to the public pursuant to 29 *Del. C.* §10004(b), (c) and (d).

Part 2 – Definitions

The following words and terms, when used in this policy, shall have the following meaning unless the context clearly indicates otherwise:

(1) “Corporation” means the Fort DuPont Redevelopment and Preservation Corporation.

(2) “FOIA” means the Delaware Freedom of Information Act as established pursuant to Title 29, Chapter 100 of the Delaware Code.

(3) “FOIA Coordinator” shall mean Traci McDowell, or their

replacement/successor as determined by the Executive Director of the Corporation.

(4) “FOIA Request” or “Request” means a request to inspect or copy a Public Record pursuant to the provisions of 29 *Del. C.* §10003 and in accordance with this policy.

(5) “FOIA Request Form” means the form approved by the Corporation upon which requests for Public Records can be made, attached hereto as Exhibit “A”.

(6) “Meeting” means the formal or informal gathering of a quorum of the members of the Corporation for the purpose of discussing or taking action on public business.

(7) “Public Business” means any matter over which the Corporation has supervision, control, jurisdiction or advisory power.

(8) “Public Record” shall have the meaning set forth in 29 *Del. C.* §10002(o).

(9) “Requesting Party” means the party filing a FOIA Request.

Part 3 – Records Request, Response Procedures and Access

A. FOIA Coordinator

The Corporation shall designate a FOIA Coordinator who shall serve as the point of contact for FOIA Requests and coordinate the Corporation’s responses thereto. The FOIA Coordinator shall be identified on the Corporation’s website and the Corporation shall provide the name and contact information for the FOIA

Coordinator to the Attorney General's Office. The Corporation shall update this information on its website and with the Attorney General's Office within twenty (20) business days of any change in the FOIA Coordinator or their contact information. The FOIA Coordinator may designate other employees to perform specific duties and functions hereunder.

The FOIA Coordinator shall maintain a document which tracks all FOIA Requests. For each FOIA Request, the document shall include, at a minimum, the Requesting Party's contact information, the date the Corporation received the FOIA Request, the Corporation's response deadline, the date of the Corporation's response (including reasons for any extension), the names, contact information and dates of correspondence with individuals contacted in connection with the FOIA Request, the dates of review by the Corporation, the names of the individuals who conducted such reviews, whether documents were made available, the amount of copying and/or administrative fees assessed, and the date of final disposition. Attached hereto as Exhibit "B" is the form to be used for tracking FOIA Requests.

B. Form of Request

All FOIA Requests shall be made in writing and submitted to the Corporation in person, by email or by facsimile to the FOIA Coordinator. FOIA Requests should be submitted using the FOIA Request Form attached as Exhibit "A" to this policy; however, any FOIA Request that contains the required information and otherwise conforms to this policy shall not be denied solely because the request is not made

using the approved form.

All FOIA Requests shall adequately describe the records being requested in sufficient detail to enable the Corporation to locate such records with reasonable effort. The Requesting Party shall be as specific as possible when requesting records. To assist the Corporation in locating the requested records, the Corporation may request that the Requesting Party provide additional information known to the Requesting Party, such as the types of records being sought, dates, parties to correspondence, and the subject matter of the requested records.

Note that any records over three (3) years old may be located in off-site storage and will be subject to a retrieval fee. The Requesting Party shall be provided with a written cost estimate of such retrieval fees prior to retrieving such records. Records retrieved from storage will be kept on site for review for ten (10) business days before being returned to storage.

C. Method of Filing FOIA Request

FOIA Requests may be made to the Corporation by mail, in person, by email or by facsimile. Copies of the FOIA Request Form may be obtained from the Corporation either via the Corporation's website (www.ftdupont.org) or by contacting the Corporation at 302-838-7374.

D. Corporation Response to FOIA Requests

The Corporation will respond to a FOIA Request within fifteen (15) business days after receipt thereof, either by providing access to the requested records, denying

access to the records or parts thereof, or by advising that additional time is needed because the Request is for voluminous records, records that will require extended research to locate or legal advice is required. If access cannot be provided within fifteen (15) business days, the Corporation shall cite one of the reasons hereunder why more time is needed and provide to the Requesting Party a good faith estimate of how much additional time is required to respond to the request.

If a Request is denied, in whole or in part, the response shall indicate the reasons for the denial.

Prior to disclosure, records may be reviewed by the Corporation to ensure that those records or portions of records deemed nonpublic may be removed pursuant to *29 Del. C. §10002(o)* or any other applicable provision of FOIA.

Copies of records requested can be picked up at the Corporation's offices, emailed (if available electronically) or sent via facsimile with no charge. If the Requesting Party requests that the records be mailed via Postal Service, the Requesting Party shall be responsible for the cost of mailing.

E. Request for Email Records

Requests for email records shall be fulfilled by the Corporation from its own records if doing so can be accomplished by the Corporation with reasonable effort. If the Corporation determines that it cannot fulfill all or any portion of such request, and such request pertains to the Corporation, the Corporation will reach out to the appropriate state or local agency to obtain and provide such email records.

F. Hours of Review

The Corporation shall provide reasonable access for reviewing Public Records during regular business hours (9:00 a.m. to 5:00 p.m.). Appointments will be scheduled at a mutually convenient time for the Requesting Party and the Corporation. If photocopies are desired, the specific records must be identified by tabbing the pages. If less than twenty (20) pages are to be copied and personnel are available to do so, copies will be made while the Requesting Party waits for them.

G. Fees.

(a) If paper records are provided to the Requesting Party, photocopying fees shall be as follows:

(i) Standard Sized, Black and White Copies/Printouts: The first twenty (20) pages will be provided free of charge. The charge for copying standard sized, black and white Public Records for copies over and above 20 shall be \$0.10 per single sided sheet (\$0.20 for a double-sided sheet). This charge applies to copies of the following standard size: 8.5" x 11", 8.5" x 14" and 11" x 17".

(ii) Standard Sized, Color Copies/Printouts: An additional charge of \$1.00 per sheet will be assessed for all color copies or printouts for standard sized copies and \$1.50 per sheet for larger copies.

(iii) Oversized Black and White Copies/Printouts: The charge for copying oversized Public Records shall be \$2.00 per 18" x 22" sheet and \$3.00

per 24" x 36" sheet. The charge for copying documents larger than 24" x 36" shall be \$ 1.00 per square foot. Over-sized documents that the Corporation is not capable of reproducing will be sent off-site and the Requesting Party will be charged the costs incurred.

(iv) Oversized Color Copies/Printouts: An Additional charge of \$1.50_ per sheet will be assessed for all color copies or printouts for oversized copies.

(v) Electronically Generated Records: Charges for copying records maintained in an 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) and administrative costs.

(b) Administrative Fees shall be as follows:

(i) Administrative fees shall be assessed for requests requiring more than one hour of staff time to process. Charges for administrative fees may include staff time associated with processing FOIA Requests, including but not limited to, identifying records, monitoring file reviews and generating computer records. Administrative fees shall not include any cost associated with the Corporation's counsel's review of whether any portion of the requested records is exempt from FOIA.

(ii) For requests that require more than one hour of staff time, the Corporation shall provide a written cost estimate of such fees to the Requesting Party, listing all charges expected to be incurred in retrieving such records, prior to responding to any request that would require Requesting Party to incur administrative fees. Upon receipt

of the estimate, the Requesting Party may decide whether or not to proceed with the Request.

(iii) Administrative fees will be billed to the Requesting Party per quarter hour. These charges will be billed at the current hourly pay rate (pro-rated for quarter hour increments) of the lowest paid employee capable of performing the service. Administrative fees will be in addition to any other charges incurred under this Section F, including, but not limited to, copying fees.

(c) Payment of all fees shall be due no later than the time the records are released to the Requesting Party. The Corporation may require pre-payment of all fees prior to performing any services. The Corporation accepts cash or check payable to “Ft. DuPont Redevelopment and Preservation Corporation”. There is a return check fee of thirty-five dollars (\$35.00).

(d) Requesting Parties who do not reschedule or cancel appointments to view files at least one full business day in advance of the appointment may be subject to the charges incurred by the Corporation in preparing the requested records.

Part 4 – Conduct of Meetings

A. Public Meetings

Public meetings will be publicly advertised by way of the posting of an agenda as required by the provisions of 29 *Del. C.* §10004(e). Minutes of public meetings will be maintained pursuant to the provisions of 29 *Del. C.* §10004(f). The Corporation may call for an executive session upon affirmative vote of a majority of

members present at a meeting of the Corporation and otherwise pursuant to the provisions of 29 *Del. C.* §10004(c) and (e), to discuss those matters set forth in 29 *Del. C.* §10004(b).

B. Public Comment

The public will be provided the opportunity to comment on matters related to the Corporation at such time as set forth on the agenda for the public meeting. Public comment will be limited to three (3) minutes per person and a total of ten (10) persons during any public meeting; provided, however, that the Corporation, at its discretion, may extend the time per person for providing comments and may permit more than ten (10) persons to make comments during any public meeting. The Corporation reserves the right to reduce the time for comment if the comment is repetitive to something that has already been said by another member of the public. The Corporation also reserves the right to remove any person from a public meeting who is willfully and seriously disruptive of the conduct of such meeting, or persons who attempt to make personal attacks against any member of the Board of the Corporation or any member of staff of the Corporation.

This FOIA policy is hereby adopted by the Board of Directors of the Ft. DuPont Redevelopment and Preservation Corporation on this ____ day of _____ 20____.

John McMahan
Chair

Exhibit A

Request for Public Records Form

NAME OF REQUESTOR: _____

DATE OF REQUEST: _____

MAILING ADDRESS OF REQUESTOR: _____

PHONE: _____

EMAIL: _____

RECORDS REQUESTED: (Be as specific as possible, providing a description of the types of records, dates, parties to correspondence, subject matter, etc. The public body will do its best to assist you in identifying the records sought).

There may be costs involved in responding to your request. Refer to the Corporation's policy for information about costs and access to records.

PLEASE CONTACT ME IF COSTS WILL BE GREATER THAN: \$ _____

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

EXHIBIT "B"

FOIA TRACKING FORM (For internal use only)

FOIA REQUEST NUMBER: _____

CONTACT INFORMATION (where a response may be sent):

Name of Requesting Party: _____

Address: _____

City, State, Zip: _____

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

Fax No. _____ Email: _____

Date Corporation received FOIA Request: _____

Date response due to Requesting Party: _____

Date Corporation reviewed FOIA Request: _____

Names of individuals, if any, with whom Corporation corresponded to respond to FOIA Request:

Names of those who reviewed FOIA Request on behalf of Corporation: _____

Were documents made available for review? _____ If so, when? _____

Fees assessed for copying/administrative services: _____

Date Corporation provided a response to Requesting Party: _____

Date of final disposition of FOIA Request: _____