

## **Academy of Dover Charter School Freedom of Information Act Policy**

Under Title 29, Delaware Code, Chapter 100, 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 the Academy of Dover, 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:

### Definitions

The Act defines "Public record" as 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. For purposes of this chapter, the following records shall not be deemed public:

- (1) Any personnel, medical or pupil file, the disclosure of which would constitute an invasion of personal privacy, under this legislation or under any State or federal law as it relates to personal privacy;
- (2) Trade secrets and commercial or financial information obtained from a person which is of a privileged or confidential nature;
- (3) Investigatory files compiled for civil or criminal law-enforcement purposes including pending investigative files, pretrial and presentence investigations and child custody and adoption files where there is no criminal complaint at issue;
- (4) Criminal files and criminal records, the disclosure of which would constitute an invasion of personal privacy. Any person may, upon proof of identity, obtain a copy of the person's personal criminal record. All other criminal records and files are closed to public scrutiny. Agencies holding such criminal records may delete any information, before release, which would disclose the names of witnesses, intelligence personnel and aids or any other information of a privileged and confidential nature;
- (5) Intelligence files compiled for law-enforcement purposes, the disclosure of which could constitute an endangerment to the local, state or national welfare and security;
- (6) Any records specifically exempted from public disclosure by statute or common law;
- (7) Any records which disclose the identity of the contributor of a bona fide and lawful charitable contribution to the public body whenever public anonymity has been requested of the public body with respect to said contribution by the contributor;
- (8) Any records involving labor negotiations or collective bargaining;
- (9) Any records pertaining to pending or potential litigation which are not records of any court;
- (10) Any record of discussions held in executive session.

Documents in Active Use may be defined as those records required as working documents by the Academy of Dover 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

Each public body shall designate a FOIA coordinator who shall serve as the point of contact for FOIA requests and coordinate the public body's responses thereto. The FOIA coordinator and/or his or her designee, working in cooperation with other employees and representatives, shall make every reasonable effort to assist the requesting party in identifying the records being sought, and to assist the public body in locating and providing the requested records. The FOIA coordinator and/or his or her designee will also work to foster cooperation between the public body and the requesting party. In addition to the foregoing responsibilities, the FOIA coordinator shall maintain a document tracking all FOIA requests. For each FOIA request, the document shall include, at a minimum, the requesting party's contact information, the date the public body received the request, the public body's response deadline, the date of the public body's response (including the reasons for any extension), the names, contact information and dates of correspondence with individuals contacted in connection with requests, the dates of review by the public body, the names of 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.

#### 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 Academy of Dover during regular business hours. Initial requests to inspect public documents shall be made in writing and delivered in person, by email, by fax, or through the internet. 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.

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

#### Copying

Academy of Dover may make the copies at the time of the review or copy and email the records to the requestor. The requestor 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 FOIA officer. Copying a public document shall be done by the division involved.

#### Copying Fees

In instances in which paper records are provided to the requesting party, photocopying fees shall be as follows:

- *Standard-sized, black and white copies:* The first 20 pages of standard-sized, black and white copies 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 \$0.10 per sheet (\$0.20 for a double-sided sheet). This charge applies to copies on the following standard paper sizes: 8.5" x 11", 8.5" x 14", and 11" x 17".
- *Oversized copies/printouts:* The charge for copying oversized public records shall be as follows: 18" x 22", \$2.00 per sheet; 24" x 36", \$3.00 per sheet; documents larger than 24" x 36", \$1.00 per square foot.
- *Color copies/printouts:* An additional charge of \$1.00 per sheet will be assessed for all color copies or printouts for standard-sized copies (8.5" x 11", 8.5" x 14", and 11" x 17") and \$1.50 per sheet 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.

#### Payment

The public body may require all or any portion of the fees due hereunder to be paid prior to any service being performed pursuant to this section.

#### Administrative Fees

Administrative fees shall be levied for requests requiring more than 1 hour of staff time to process. Charges for administrative fees may include staff time associated with processing FOIA requests, including, without limitation: identifying records; monitoring file reviews; and generating computer records (electronic or print-outs). Administrative fees shall not include any cost associated with the public body's legal review of whether any portion of the requested records is exempt from FOIA. The public body shall make every effort to ensure that administrative fees are minimized, and may only assess such charges as shall be reasonable required to process FOIA requests. In connection therewith, the public body shall minimize the use of non-administrative personnel in processing FOIA requests, to the extent possible.

Prior to fulfilling any request that would require a requesting party to incur administrative fees, the public body shall provide an itemized written cost estimate of such fees to the requesting party, listing all charges expected to be incurred in retrieving such records. Upon receipt of the estimate, the requesting party may decide whether to proceed with, cancel, or modify the request.

Administrative fees will be billed to the requesting party per quarter hour. These charges will be billed at the current hourly pay grade (prorated 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 for copying fees.

When multiple FOIA requests are submitted by or on behalf of the requesting party in an effort to avoid incurring administrative charges, the public body may in its discretion aggregate staff time for all such

requests when computing fees hereunder. Notwithstanding the foregoing, any Freedom of Information Act policy adopted by a public body pursuant to subsection (b) of this section hereunder may include provisions for the waiver of some or all of the above administrative fees; provided that such waiver shall apply equally to a particular class of persons