TOWN OF BRIDGEVILLE

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Town of Bridgeville Policy for Freedom of Information Act Requests for Public Records

1. Purpose

This Policy states the procedures the Town of Bridgeville follows for responding to public records requests under the State of Delaware Freedom of Information Act, 29 *Del. C.* §§ 10001–10008 ("FOIA"). The Town will produce requested Public Records in accordance with FOIA. Documents and information within documents may be withheld to the extent any of FOIA's Public Records exceptions, found in 29 *Del. C.* § 10002(o), apply. FOIA's exceptions will be construed consistent with FOIA's intent that public business be performed in an open and public manner. It is the Town's policy that it shall comply with FOIA and all requests for Public Records under FOIA shall be processed in the manner outlined below.

2. Definitions

The following terms as used in this policy have the following meaning:

"Exception" – Any exemption from disclosure set forth in 29 *Del. C.* § 10002(o), as amended from time to time, or any other applicable law.

"FOIA" – Delaware Freedom of Information Act, 29 *Del. C.* § 10001–10008.

"FOIA Coordinator" – The Town Employee designated to receive and process FOIA Requests, as required by 29 *Del. C.* § 10003(g).

"FOIA Request" – A request to inspect or copy public records made pursuant to 29 *Del. C.* § 10003.

"FOIA Request Form" – The form promulgated by the Office of the Attorney General, as set forth in 29 *Del. C.* § 10002(f), upon which requests for public records may be made.

"Non-Custodial Public Records" – Town Public Records that are not within the Town's possession because they are archived or in off-site storage.

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"Public Record" – Shall have the meaning set forth in 29 *Del. C.* § 10002(o), as amended from time to time.

"Requesting Party" – A party filing a FOIA Request.

"Town" – The Town of Bridgeville, its Commission, its Boards and Committees, and its Departments.

3. **Request for Public Records**

(a) *Form of Request* – All FOIA requests shall be made in writing to the FOIA Coordinator in person, by email, by fax, or online. FOIA Requests may be submitted using the FOIA Request Form. However, a FOIA request containing the required information, and which otherwise conforms with this policy, shall not be denied solely because the Request is not on the FOIA Request Form.

All FOIA Requests shall adequately describe the Public Record(s) sought with enough specificity to enable the Town to locate the record(s) with reasonable effort. To assist the Town in locating the requested Public Record(s), the Town may ask the Requesting Party to provide additional information known to the Requesting Party, such as dates, types of records, subject matter of requested document(s), and parties to correspondence. If the Requesting Party does not respond to the FOIA Coordinator within fifteen (15) days, the FOIA Coordinator shall recontact the Requesting Party. If the Requesting Party does not respond to the FOIA Coordinator's second contact, the FOIA Coordinator shall close the request and send a final email to the Requesting Party confirming that the request is closed.

(b) *Filing of Request* – FOIA Requests shall be made by mail, email, fax, online through the Town's FOIA Web Portal, as required by 29 *Del. C.* § 10003(c), or in person to the Town's FOIA Coordinator, who is identified on the Town's website. FOIA Request Forms may be obtained from the Town Hall.

(c) *FOIA Coordinator* – The FOIA Coordinator serves as the point of contact for FOIA Requests and coordinates the Town's responses. The FOIA Coordinator shall make every reasonable effort to assist the Requesting Party in identifying the Public Records being sought.

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The FOIA Coordinator shall maintain a record tracking all FOIA Requests by calendar year. For each FOIA Request, the document or database shall include, at a minimum: the Requesting Party's contact information; the date the Town received the Request; the Town's response deadline; the date of the Town's response (including reasons for any extension); the names, contact information, and dates of correspondence with individuals contacted in connection with the Request; whether documents were made available; the amount of any administrative or copying fees assessed; and the date of final disposition.

(d) *Response to Records* – The Town shall respond to a FOIA Request as soon as possible, but in any event within fifteen (15) business days after the receipt thereof, either by: 1) providing access to the public records; 2) denying access to the requested Public Records or parts of the requested Public Records; 3) or by advising the Requesting Party that additional time is needed because the Request i) is voluminous; ii) requires legal review; or iii) a Public Record is in storage or archived.

If access cannot be provided within fifteen (15) business days, the Town shall cite one of the above reasons as to why more time is needed and provide a good-faith estimate of how much additional time is needed to fulfill the FOIA Request.

If the Town denies a FOIA Request, in whole or in part, the Town's response must indicate the reason(s) for denial, specifically referring to one or more of the Exceptions, if applicable. The Town shall not be required to provide an index, or any other compilation, as to each record or part of a record denied.

Public Records may be picked up by the Requesting Party at Town Hall, emailed (if available electronically), or faxed to the Requesting Party. If the Requesting Party requests that the Public Records be mailed via Postal Service, the Requesting Party shall be responsible for the cost of mailing.

(e) *Requests for Emails* – Requests for email records shall be fulfilled by the Town from its own records, if it can do so with reasonable effort. If the Town determines that it cannot fulfill all or any portion of such request, it shall promptly request that its information and technology personnel or custodian(s) provide the email records.

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Before requesting the information and technology personnel or custodian(s) provide email records, the Town shall provide an itemized written cost estimate to the Requesting Party, listing all charges expected to be incurred in retrieving such records. Upon receiving the estimate, the Requesting Party may decide whether to proceed with, cancel, or modify the FOIA Request. If the Requesting Party does not respond to the FOIA Coordinator within fifteen (15) days, the FOIA Coordinator shall recontact the Requesting Party. If the Requesting Party does not respond to the FOIA Coordinator's second contact, the FOIA Coordinator shall close the Request and send a final email to the Requesting Party indicating that the FOIA Request has been closed.

(f) *Requests for Non-Custodial Public Records* – If any or all of a FOIA Request seeks Public Records the Town controls, but not within its possession or cannot be otherwise fulfilled with reasonable effort from the Public Records in the Town's possession because the Public Records are archived or in off-site storage, then the Town shall promptly ask that the relevant keeper of archived or stored records to provide the Non-Custodial Public Records to the Town.

Before retrieving any Non-Custodial Public Records, the Department shall provide an itemized written cost estimate to the Requesting Party, listing all charges expected to be incurred in retrieving such Public Records. Upon receiving the estimate, the Requesting Party may decide whether to proceed with, cancel, or modify the FOIA Request. If the Requesting Party does not respond to the FOIA Coordinator within fifteen (15) days, the FOIA Coordinator shall recontact the Requesting Party. If the Requesting Party does not respond to the FOIA Coordinator's second contact, the FOIA Coordinator shall close the Request and send a final email to the Requesting Party indicating that the FOIA Request has been closed.

(g) *Review by Town and Legal Review* – Prior to disclosure, the Town and/or the Town Solicitor may review responsive records to determine whether any record, or portion thereof, is exempt from disclosure under 29 *Del. C.* § 10002(o), or any other applicable law. In reviewing records, all documents shall be considered Public Records unless subject to one of the Exceptions or any other applicable law. Nothing herein shall prohibit the Town from disclosing or permitting access to Public Records if the Town determines to disclose such records, except where such disclosure is otherwise prohibited by law.

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(h) *Inspection of Records – Hours of Review* – A Requesting Party may request to inspect Public Records. The Town shall provide reasonable access for reviewing Public Records during normal business hours (Monday – Friday 8:30 a.m. – 4:30 p.m.). Appointments will be scheduled at a mutually convenient time for the Town and the Requesting Party.

(i) *Fees* – Fees will be implemented as follows:

1. Photocopying/Printout Fees – In instances in which paper records are provided to the Requesting Party, photocopying/printout fees shall be as follows:

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

   - ***Standard Sized, Color Copies/Printouts*** – A charge of $1.00 per sheet will be assessed for all color copies or printouts for standard-sized copies.

   - ***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. Oversized documents that the Town cannot reproduce will be sent off-site, and the Requesting Party will be charged the actual costs incurred.

   - ***Oversized, Color Copies/Printouts*** – An additional charge of $1.50 per sheet will be assessed for all color copies or printouts for oversized copies.

   - ***Microfilm and/or Microfiche*** – The first twenty (20) pages of standard-sized, black-and-white material copied from microfilm and/or microfiche shall be provided free of charge. The charge for

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microfilm and/or microfiche printouts over 20 pages shall be $0.15 per sheet.

- ***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, USB, or other electronic storage costs) and administrative costs.

2. Administrative Fees – Administrative Fees shall be levied as follows:

- Administrative Fees shall be levied for a FOIA Request requiring more than one (1) hour of staff time to process. Charges for administrative fees may include staff time associated with processing a FOIA Request, including, but not limited to, identifying records; monitoring file reviews; and generating computer records (electronic or printouts). Administrative fees shall not include any cost associated with legal review of whether any portion of the FOIA Request is exempt from FOIA or subject to an Exception. The Town shall work to ensure that administrative fees are minimized. To the extent possible, the Town shall minimize the use of non-administrative personnel in processing FOIA Requests.

- For FOIA Requests that will require more than one (1) hour of staff time, the Town shall provide a written cost estimate of such fees to the Requesting Party, listing all charges expected to be incurred in retrieving the requested Public Records, prior to fulfilling any FOIA Request that would require a Requesting Party to incur any administrative fees. Upon receiving the estimate, the Requesting Party may decide whether to proceed with, cancel, or modify the FOIA Request.

- Administrative Fees will be billed to the Requesting Party per quarter hour. These charges will be billed at the current hourly rate of the lowest-paid employee(s) capable of performing the service. Administrative fees will be in addition to charges incurred for copying or printouts (as listed above), or any statutorily permitted charges.

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- When multiple FOIA requests are submitted by or on behalf of a Requesting Party in an effort to avoid incurring photocopying fees or administrative charges, the Town, in its discretion, may aggregate such FOIA Requests when calculating fees and charges.

3. Fees for Non-Custodial Public Records – Before requesting any Non-Custodial Public Records, the Town shall provide an itemized written cost estimate to the Requesting Party, listing all charges expected to be incurred in retrieving such Non-Custodial Public Records.

4. Payment of Fees – Payment of all fees shall be due no later than the time records are released to the Requesting Party. The Town may require pre-payment of all fees prior to performing any services. The Town expressly reserves its statutory right to require a Requesting Party to pay all assessed fees prior to performing any service under FOIA. The Town also expressly reserves its right to waive all or a portion of assessed fees, and its right to waive pre-payment of assessed fees.

(j) *Applicability* - To the extent any provision of this Policy conflicts with any other law or regulation, such law or regulation shall control, and the conflicting provision herein shall be superseded.

(k) *Effective Date* – This FOIA Policy shall become effective as of the date of adoption by the Town Commissioners.

COMMISSIONERS OF BRIDGEVILLE

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President

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Secretary

Adopted: November 9, 2026

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