

# FOIA Policy

## **I. Purpose**

It is the intent of the Delaware Technical Community College (the “College”) to perform public business in an open and public manner as required by Delaware’s Freedom of Information Act (“FOIA”) in 29 Del. C. Chapter 100. In accordance with Delaware’s FOIA laws, the College believes that citizens should have reasonable access to the inspection and copying of public records to further the accountability of State government. As a result, this Policy prescribes the College’s procedures for responding to public records requests made pursuant to FOIA. All such FOIA requests to the College for public records shall be processed as set forth below.

## **II. Scope**

This Policy applies to the College whenever a request for public records is made under Delaware’s FOIA law. This Policy does not apply to the College in its normal course of business with students, employees, individuals, businesses or with Federal, State or local agencies. Nor does this Policy provide citizens with access to records, or any portions thereof, that are exempt from disclosure pursuant to 29 Del. C. § 10002 or are determined by the College to be confidential under State or federal law, including but not limited to the Family Educational Rights and Privacy Act of 1974.

## **III. Availability of Records**

### **A. Access**

Public records shall be open to inspection and copying during the College’s regular business hours by the custodian of the requested public records. Reasonable access to and reasonable facilities for copying of these records shall not be denied by the College in the absence of an exemption from disclosure in 29 Del. C. § 10002 or any other applicable provision of state or federal law. Furthermore, the College shall provide reasonable assistance to the public in identifying and locating the College’s public records in accordance with this Policy.

### **B. Form of FOIA Requests**

All FOIA requests shall be made in writing to the College in person, by email, by fax, or online as set forth herein. FOIA requests may also be submitted by using the FOIA Request Form promulgated by the Office of the Attorney General for the State of Delaware; provided, however, that any FOIA request that otherwise conforms with this Policy shall not be denied solely because the request is not on the promulgated form. Requesting parties are advised that copies of the FOIA request form may be obtained from the website of any state agency, school district or other public body.

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

### **C. Filing FOIA Requests with the College**

FOIA requests may be made to the College’s FOIA Coordinator at the following:

Dr. Judith A. Sciple  
Vice President for Institutional Effectiveness and College Relations

Attn: IA Request  
Delaware Technical Community College  
Office of the President  
P.O. Box 897  
Dover, DE 19903  
Email: [judi.sciple@dtcc.edu](mailto:judi.sciple@dtcc.edu) [1]  
Fax: (302) 739-6225

In addition, FOIA requests may also be submitted through the College's [online FOIA request form](#) [2].

#### **D. FOIA Coordinator**

The College's FOIA Coordinator, Dr. Judith A. Sciple, serves as the point of contact for FOIA requests, coordinates the College's responses thereto, and is identified as such on Delaware Technical Community College's website. The FOIA coordinator may designate other employees to perform specific duties and functions hereunder.

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 College in locating and providing the requested records. The FOIA coordinator and/or his or her designee will also work to foster cooperation between the College 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 College received the request, the College's response deadline, the date of the College'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 College, 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.

#### **IV. FOIA Request Determinations**

##### **A. The College's Response**

The College 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 providing access to the requested records, denying access to the records or parts of them, or by advising that additional time is needed because the request is for voluminous records, requires legal advice, or a record is in storage or is archived. If access cannot be provided within fifteen (15) business days, the College shall cite one of the reasons contained herein why more time is needed and provide a good-faith estimate of how much additional time is required to fulfill the request.

If the College denies a request in whole or in part, the College's response shall indicate the reasons for the denial. The College shall not be required to provide an index, or any other compilation, as to each record, or part of a record, denied.

##### **B. FOIA Requests for Email Records**

Requests for e-mail records shall be fulfilled by the College from its own records, if doing so can be accomplished by the College with reasonable effort. If the College determines that it cannot fulfill all or any portion of such request, the College shall promptly request that its information and technology personnel or custodians provide the email records to the College.

Before requesting the information and technology personnel or custodians to provide email records, the College shall provide an itemized written cost estimate 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.

### **C. FOIA Requests for Other Non-Custodial Records**

If all or any portion of a FOIA request seeks records controlled by the College but are not within its possession or cannot otherwise be fulfilled by the College with reasonable effort from the records it possesses, then the College shall promptly request that the relevant custodian provide the noncustodial records to the College.

Before requesting any noncustodial records, the College shall provide an itemized written cost estimate 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.

### **D. The College's Review of FOIA Requests**

Prior to disclosure, records may be reviewed by the College to ensure that those records, or portions of records, deemed nonpublic may be removed pursuant to any one of the enumerated exemptions included in 29 Del. C. § 10002 - or any other applicable provision of state or federal law. In reviewing the records, all documents shall be considered public records unless subject to one of the aforementioned exceptions or applicable provisions of state or federal law.

## **V. Fees**

### **A. Photocopying Fees**

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

1. 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".
2. 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.
3. 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.

### **B. Administrative Fees**

Administrative fees shall be levied for requests requiring more than one (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 College's legal review of whether any portion of the requested records is exempt from FOIA. The College shall make every effort to ensure that administrative fees are minimized, and may only assess such charges as shall be reasonably required to process FOIA requests. In connection therewith, the College 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 College 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 Policy, including 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 College, in its sole discretion, may aggregate staff time for all such requests when computing such fees.

### **C. Microfilm and/or Microfiche Printouts**

The first 20 pages of standard-sized, black and white material copied from microfilm and/or microfiche shall be provided free of charge. The charge for microfilm and/or microfiche printouts over and above 20 pages shall be \$0.15 per sheet.

### **D. 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.

### **E. Payment**

The College reserves the right to require all or any portion of the fees to be paid prior to any service in this Policy being performed.

### **VI. Applicability**

All terms set forth in this Policy shall be construed in accordance with state and/or federal law. To the extent any provision in this Policy conflicts with any other law or regulation, such law or regulation shall control, and the conflicting provision herein is expressly superseded. All inquiries concerning the interpretation or application of this Policy shall be resolved by the College's Office of Legal Affairs.

**Source URL:** <https://www.dtcc.edu/about/news/foia-policy>

### **Links:**

- [1] [https://www.dtcc.edu/about/news/foia-policy](#)
- [2] <https://www.dtcc.edu/foia-policy/foia-request-form>