

## FREEDOM OF INFORMATION ACT REQUESTS

**For the Inspection and Copy of Public Records  
Under the Freedom of Information Act**

The Freedom of Information Act (the “Act”) (Title 29, Delaware Code, Chapter 100) establishes the right of the public to inspect and copy public records. Section 10003(b) of the Act provides that a public body, including the Indian River School District must establish rules and regulations regarding access to public records, as well as fees charged for copying such records.

Any Delaware resident shall be granted access to the District’s public records under the following terms and conditions:

**REQUESTS**

1. Request for access to records shall be in writing, signed by the Delaware resident, and clearly identify the specific public record sought in sufficient detail to enable the District to locate the records with reasonable effort.
2. Requests should be submitted to the District Superintendent via [https://www.irsd.net/discover\\_irsd/freedom\\_of\\_information\\_requests](https://www.irsd.net/discover_irsd/freedom_of_information_requests) and via the form located at such site.
3. A Delaware resident is entitled to inspect and copy public records (as defined under Section 10002) in the custody of the District. The Act 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”. Neither the Act, nor the policy, requires that the District create a public record.
4. A request may be denied in part or in full and returned to the requestor for the following reasons:
  - The request does not adequately describe the records;
  - The request requires the District to create records, perform research, prepare a compilation of records, summarize information, or place information in a required format;
  - Reasons addressed in other areas of this policy not specified here ;
  - The request is for records exempted or protected by law.
5. Records will be reviewed to withhold from disclosure those records or portions of records which the Act does not deem public.
6. The review of any requested documents must be performed during regular business hours in the presence of a District employee as designated by the Superintendent or the office responsible for maintaining such records. In no event will access be provided at a time, or in a manner, which disrupts the normal operations of the District. No original documents may be removed from District property by the requesting Delaware resident.
7. The District reserves the right to deny any request in part or in full which does not comply with the requirements of this policy and/or the provisions of the Act.

**COPYING**

Copying of requested public records may be performed by District personnel, and provided as follows:

1. The District may, in its discretion, make the copies at the time of the review, or copy and mail the records to the requestor. The requestor may elect to pick up the copies during regular business hours and submit payment at that time.
2. 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 Superintendent.

**FEES**

3. There is no fee associated for black and white copies of the first 20 single sided pages. There is a \$0.10 fee associated with each single sided page thereafter.
4. The cost of black and white prints from computer databases is also \$0.10 per single sided page.
5. The cost of double sided pages is double the costs above.
6. Requests for email incur a third-party cost that will be estimated, and half of the estimated cost is due by the Requestor before a search will occur, and the remaining will be due before documents are produced.
7. 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. 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.
8. 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. 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 20 shall be \$0.15 per sheet.
9. The District, in its sole discretion, may arrange to have records copied by an outside contractor. The requestor will be liable for all such costs.
10. 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 District's legal review of whether any portion of the requested records is exempt from FOIA.
11. Prior to fulfilling any request that would require a requesting party to incur administrative fees, the District 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.
12. 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.
13. When multiple FOIA requests are submitted by or on behalf of the requesting party in an effort to avoid incurring administrative charges, the District may in its discretion aggregate staff time for all such requests when computing fees hereunder.
14. Payment for copies (other than half of estimates) is due at the time copies are released to the requestor. The District reserves the right to refuse to make copies for requestors who have outstanding balances.

15. The District may require prepayment of copying prior to mailing copies of requested records.
16. A Requestor shall not receive copies of any documents until all fees are paid in full.
17. District personnel will maintain a receipt register and, upon request, provide a receipt when payment is received.

### **RETENTION OF REQUESTS**

The request for public records, the public records copied, and the District's reply to these requests will be kept on file for a period of three (3) years. The District will make every effort to fulfill FOIA requests for access to the District's public records within fifteen (15) business days of the District's receipt of the request, unless mitigating circumstances occur.

The Superintendent has sole discretion to approve an extension, and the Delaware resident requesting access to the public records will be notified in writing of the reason for delay, and the day, date, and time when the requesting party will have access to the public records sought. Such notification shall occur within fifteen (15) business days of the District's receipt of the request. Questions should be addressed to the District Superintendent.

Adopted 6/22/15

Revised 6/19/17, 5/24/21, 7/26/21