

MUNICIPAL SERVICES COMMISSION

Freedom of Information Act (FOIA) Policy Commission Approved October 27, 2014

FOIA Coordinator

Pamela Patone is the Municipal Services Commission's ("MSC") FOIA Coordinator. The FOIA Coordinator's email address and phone number are: patonep@newcastlecity.com; (302) 221-4513. The FOIA Coordinator may designate other employees to assist. The FOIA Coordinator shall maintain a document tracking all FOIA requests, including the Requesting Party's contact information; the date the request is received; MSC's response deadline; the date of the response, including the reasons for any extension; the names, contact information and dates of correspondence with individuals contacted in connection with each request; the dates of review by the MSC employee, and the names of employees conducting reviews; whether documents were made available; the amount of copying and/or administrative fees assessed; and the date of final disposition. References to the FOIA Coordinator include the FOIA Coordinator's designee.

Web Portal

MSC shall develop and maintain a web portal for access to this policy; the FOIA Request Form promulgated by the Office of the Attorney General; the name and contact information of the FOIA Coordinator; and the receipt of FOIA requests via the internet.

Requests

1. All FOIA requests shall be in writing and delivered in person, by email, by fax, by U.S. Mail, or through the internet to MSC's web portal. The request shall be as specific as possible, and shall describe the records sought in sufficient detail to enable MSC to locate the records with reasonable effort.

2. 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.

3. FOIA does not require MSC to create records, or prepare summaries or compilations of records.

4. If the request seeks records in the possession of, and under the control of, another public body, the FOIA Coordinator will promptly forward the request to this public body and notify the Requesting Party that the request has been forwarded. If, on the other hand, the records sought are controlled by MSC, but are not within MSC's possession, MSC will provide an itemized written estimate of the cost of retrieving the records. The Requesting Party will then decide whether to proceed with, cancel, or modify the request.

5. MSC will respond to a FOIA request as soon as possible, but in all events within 15 business days of receipt of the request. The response shall provide access to the records; deny access to all or part of the records, and state the reasons for the denial; or advise that additional time is needed because the request is for voluminous records, legal advice is required, or a record is in storage or archived.

6. MSC will provide emails if it is able to do so with reasonable effort. If the assistance of MSC information and technology personnel is necessary in order to provide emails, MSC will provide the Requesting Party an itemized written estimate of the charges incurred in retrieving such records. The Requesting Party shall then decide whether to proceed with, cancel, or modify the request.

7. Access for reviewing records shall be provided during MSC's regular business hours.

Copying Fees

1. The cost of providing copies of paper records shall be:

(a) No charge for the first 20 pages of standard sized (i.e. 8.5" x 11"; 8.5" x 14"; and 11" x 17"), black and white copies, and \$0.10 per page for each copy in excess of 20 copies (\$.20 for two sided).

(b) The charge for copying 18" x 22" shall be \$2.00 per page; 24" x 36" shall be "\$3.00 per page; and larger than 24" x 36" shall be \$1.00 per square foot.

(c) Color copies/printouts shall cost an additional \$1.00 per page for standard sized copies, and an additional \$1.50 per page for larger copies.

Microfilm and Microfiche Printouts

There is no charge for the first 20 pages of standard sized, black and white copies from microfilm or microfiche. The charge for each page of such printouts over 20 pages is \$0.15 per page.

Electronically Generated Records

The cost of copying records maintained in electronic format will be equal to the material costs in generating the records (i.e. the DVD, CD, or other electronic storage costs).

Payment

One-half of the estimated fees shall be paid before any service is performed, and the balance is payable upon completion of the service, and prior to receipt of the requested records.

Administrative Fees

1. There will be no charge for one hour or less of staff time to process a request for records (i.e. identifying records; monitoring review of records; and generating computer records in electronic or print-out form). Administrative fees shall not include legal consultation to determine whether records are exempt from disclosure.

2. Administrative fees shall be billed to the Requesting Party per quarter hour at the hourly rate of the lowest paid MSC employee capable of performing the service. Every reasonable effort shall be made to minimize administrative fees.

3. Prior to fulfilling any request requiring a Requesting Party to incur administrative fees, MSC will provide an itemized written estimate of the administrative fees. The Requesting Party will decide whether to proceed with, cancel, or modify the request.

4. When a Requesting Party submits multiple FOIA requests, MSC will attempt to avoid, or minimize, administrative fees by aggregating staff time to process such requests.