



Town of Clayton Policy Statement on Freedom of Information Act (FOIA)

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

Any citizen of the State of Delaware shall be granted access to the public records under the following terms and conditions.

Requests

1. Request for access to records shall be in writing, signed by the citizen, and clearly identify the specific public record sought in sufficient detail to enable the Town of Clayton to locate the records with reasonable effort.
2. Requests should be submitted on the form approved by the Town Council and submitted to the Town of Clayton.
3. A citizen is entitled to inspect and copy public records (as defined under Section 10002) in the custody of the Town Clerk. 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 Town of Clayton create a public record.
4. A request may be denied in part or in full and returned to the requestor for the following reasons:
 - a. The request does not adequately describe the records;
 - b. The request requires the Town of Clayton to create records, perform research, prepare a compilation of records, summarize information, or place information in a required format;
 - c. Reasons addressed in other areas of this policy not specified here.
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 Town of Clayton employee as designated by Town Council 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 Town of Clayton. No original documents may be removed from the Town of Clayton property by the requesting citizen.

7. The Town of Clayton 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 Town of Clayton personnel, and provided as follows:

1. The Town of Clayton 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 Town of Clayton.

Fees

1. The Act authorizes public bodies to charge citizens any reasonable expense associated with copying the public record requested by the citizen.
2. The charge for copying standard sized, black and white public records shall be \$.25 per printed page (i.e. single-sided copies are \$.25 and two-sided copies are \$.50).
3. The charge for microfilmed printouts made by the Town of Clayton on standard sized paper shall be \$.25 per page.
4. The cost of printing information from computer databases is \$.25 per page. If the information is provided on a CD, the charge of the CD shall be \$2.00.
5. Labor Cost – no more than \$10.00 per hour for each hour an employee spends fulfilling a FOIA request. Charged by $\frac{1}{4}$ hour. Labor charges will be charged in addition to any duplicating/copying charges.
6. The Town of Clayton, in its sole discretion, may arrange to have records copied by an outside vendor. The requestor will be liable for such costs.
7. Payment for copies is due at the time copies are released to the requestor. The Town of Clayton reserves the right to refuse to make copies for requestors who have outstanding balances.
8. The Town of Clayton may require prepayment of copying prior to mailing copies of requested records.
9. A citizen shall not receive copies of any documents until all fees are paid in full.
10. Town of Clayton 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 Town of Clayton's reply to these requests will be kept on file for a period of three (3) years. The Town of Clayton will make every effort to fulfill FOIA requests for access to the Town of Clayton's public records within ten (10) business days of Town of Clayton's receipt of the request, unless mitigating circumstances occur. The Town of Clayton has sole discretion to approve an extension, and the citizen requesting access to the public records will be notified, in writing, of:

- a. The reason for the delay; and
- b. The day, date, and time when the requesting party will have access to the public records sought. Such notification shall occur within ten (10) business days of the Town of Clayton's receipt of the request.