

Freedom of Information Act (FOIA) Requests

GENERAL INFORMATION

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What is the Freedom of Information Act (FOIA)?

Chapter 100 of Title 29 of the Delaware Code, the Freedom of Information Act, states that "it is vital in a democratic society that public business be performed in an open and public manner so that our citizens shall have the opportunity to observe the performance of public officials and to monitor the decisions that are made by such officials in formulating and executing public policy."

It further specifies that "all public records shall be open to inspection and copying during regular business hours by the custodian of the records for the appropriate public body. Reasonable access to and reasonable facilities for copying of these records shall not be denied to any citizen."

The City of Rehoboth Beach FOIA policy was developed to grant citizens reasonable access to the City's public records. The complete policy is available by contacting the City Secretary's Office (see information above). This policy is also available on the City's website (www.cityofrehoboth.com) under FOIA Requests.

What is a public record?

FOIA defines a public record as "information of any kind, owned, made, used, retained, 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".

FOIA grants exemption from the definition of "public record" to certain documents, and these records are not subject to public disclosure under FOIA. A complete list of exempted records is included in Title 29, Chapter 100, §10002(l) of the Delaware Code. Some of the commonly exempted documents include personnel records, investigatory files compiled for civil or criminal law-enforcement purposes, trade secrets and commercial or financial information obtained from a person who is of a privileged or confidential nature, records involving labor negotiations or collective bargaining, etc.

How do I submit a FOIA request?

A City of Rehoboth Beach FOIA Request Form is available by contacting the City Secretary's Office (see contact information). FOIA requests may also be submitted electronically through the City of Rehoboth Beach website (www.cityofrehoboth.com) under FOIA Requests. Fill the form in completely and be sure to describe records with sufficient specificity to reasonably enable identification of the document(s) requested. It is to your advantage to narrow your request as much as possible.

Please note: FOIA does not require the City of Rehoboth Beach to perform research or create reports that have not been compiled.

What will happen to my request?

Upon receipt of your request, you will receive an acknowledgement, and the request will be forwarded to the appropriate staff. An estimate will be prepared of any costs incurred by the City in responding to your request and will be sent to you for review. Upon your approval of the estimate and receipt of any payment due, the information requested will be retrieved and provided to you.

What costs are associated with a FOIA request?

Some records are readily available and can be provided electronically or reviewed in person at no cost. Other requests may involve administrative and/or production fees. Please consult the attached City of Rehoboth Beach Fee Structure* for further information.

Who can I contact for further information about FOIA requests?

The City Secretary's Office is responsible for coordinating and responding to all FOIA requests. Following is contact information for the City Secretary's Office:

FEE SCHEDULE

Printed, Typed or Written Material	
Public records already available in duplicate form	No charge
Black and White Copies (8.5" x 11", 8.5" x 14" and 11" x 17") per page (each side)	\$ 0.50
Color Copies (8.5" x 11", 8.5" x 14" and 11" x 17") per page (each side)	\$ 1.00
Black and White Copies of Drawings, Plots, Plans and Maps per page (larger than 11" x 17")	\$ 15.00
Color Copies of Drawings, Plots, Plans and Maps per page (larger than 11" x 17")	\$ 45.00
Adhesive Labels	\$0.15 per label
<i>Note: The City does not have the in-house capability to copy documents larger than 11" x 17"</i> <i>A minimum fee of \$1.00 per request shall be charged for standard-sized copies. Two-sided copies shall be considered two copies</i>	
Electronic Records	
The fee for copying records consisting of data and information which is input, created, manipulated and/or stored on electronic media will be calculated by the material costs involved in generating the copies (including, but not limited to: electronic storage media) and administrative costs. Actual costs shall be assessed for copying computer generated records and providing other materials such as computer discs, etc.	
In the event that requests for records maintained in an electronic format can be electronically provided to the requesting party, only the administrative charges in preparing the electronic records will be charged.	
Recordings of Oral Dialogue	
Upon request, individuals may listen to recorded oral dialogue. Proper supervision must be ensured in order to protect the material from damage or loss.	
Computer Generated Stored Information	
Administrative fees will be billed to produce computer generated paper copies of computer-stored information or copies stored on electronic media.	
Published Documents	
Zoning Ordinance	\$ 30.00
City Charter	\$ 30.00
Subdivision Regulations	\$ 10.00
Comprehensive Development Plan	\$ 40.00
Zoning Map (black/white)	\$ 10.00
Zoning Map (color)	\$ 30.00
<i>Note: The cost for copies of portions of other documents not listed shall be as stated above. The cost to purchase a complete publication shall be the greater of the fee established at the time of publication or actual cost, whichever is greater.</i>	
Administrative Fees	
Actual Labor Costs: City staff time utilized to fulfill a request for records shall be billed at an hourly rate of \$20.00. Staff time charges will be billed to the requesting party per quarter hour. Staff time charges will be in addition to any duplicating/copying charges. Charges for actual staff time costs include: (a) Staff time associated with processing FOIA requests; (b) Locating and reviewing files; (c) Monitoring file reviews; (d) Generating computer records (electronic or print-outs); and (e) Any other time rendered by the employee in researching, examining, developing, duplicating, reviewing and separating exempt from non-exempt information that has been requested.	
Other Costs: Any other actual costs associated with fulfilling a request for information, such as postage, shall be at the expense of the requesting party.	

Approved, May 17, 2013, Rev. 030218

To request any of the above documents or review audio media, a formal FOIA request form must be completed and submitted. All materials will be paid for in advance as estimated by department.

*Certain waivers may apply. (See City of Rehoboth Beach Freedom of Information Act Policy Section 5.3.)