



Freedom of Information Act (FOIA) Requests

GENERAL INFORMATION

City Clerk's Office
P.O. Box 475
15 Loockerman Plaza
Dover, DE 19903

Phone: (302) 736-7008
FAX: (302) 736-5068
Email: cityclerk@dover.de.us

[What is the Freedom of Information Act \(FOIA\)?](#)

[What is a public record?](#)

[How do I submit a FOIA request?](#)

[What will happen to my request? How soon will I receive a response?](#)

[Who can I contact for further information about my FOIA request?](#)

[What costs are associated with a FOIA request? What is the FOIA Fee Structure?](#)

What is the Freedom of Information Act (FOIA)?

Chapter 100 of Title 29 of the Delaware Code, the Freedom of Information Act, which is available on the State of Delaware website (www.delaware.gov) 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 Dover FOIA policy](#) was developed to grant citizens reasonable access to the City's public records. The complete policy is available by contacting the City Clerk's Office. This policy is also available on the City's website (www.cityofdover.com) on the homepage under the "FOIA" tab.

What is a public record?

FOIA defines a public record as "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."

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 which 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 Dover FOIA Request Form is available by contacting the City Clerk's Office. FOIA requests may also be submitted electronically through the City of Dover website (www.cityofdover.com) on the homepage under the "FOIA" tab. 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 Dover to make a compilation, summary, or report of information, or otherwise create a document that did not previously exist.***

What will happen to my request? How soon will I receive a response?

Your request will be forwarded to the appropriate staff. If there is a cost incurred in responding to your request, an estimate will be prepared 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. Within 15 business days from receipt of your request, provided that any payment due has been submitted, the City will provide you with access to the records, deny your request, or advise you that additional time is needed.

Who can I contact for further information about FOIA requests?

The City Clerk's Office is responsible for responding to all FOIA requests. Please see the contact information above.

What costs are associated with a FOIA request? What is the FOIA Fee Structure?

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. If costs will be incurred, an estimate will be provided to you before the information is retrieved. No documents can be provided until any associated fees are paid in full. Please consult the Freedom of Information Act (FOIA) Fee Structure below for further information.

Freedom of Information Act (FOIA) Fee Structure*

The following fees are established in accordance with Appendix F - Chapter 52, Sec. 52-3 of the City of Dover Code:

ADMINISTRATIVE FEES (additional production fees may apply)	
First 30 minutes of staff time	No charge
Staff time in excess of 30 minutes	Hourly salary plus overhead rate of the lowest paid staff member capable of performing the service. Billed in 15 minute increments.

PRODUCTION FEES (additional administrative fees may apply)	
Photocopies	
<i>(Fees for printing the first 10 standard-sized, single-sided, black and white or the first 5 color copies will be waived.)</i>	
Standard-Sized Copies (8.5" by 11", 8.5" by 14", or 11" by 17")	
Black and White	\$0.25 per sheet (each side)
Color	\$0.50 per sheet (each side)
Oversized Copies (larger than 11" by 17")	\$30.00 per sheet (each side)
Electronically Generated Records	
Files provided via PDF (via email)	No charge
CD or DVD (including case)	\$2.00
Other Electronic Storage Costs	Material cost to generate records

OTHER COSTS	
Other costs associated with filling the request, such as postage, are the responsibility of the requestor. If the City does not have the resources or equipment to duplicate requested records, the City, at its discretion, may arrange to have records duplicated by an outside contractor. In this instance, the requestor will be liable for payment of these costs.	

* Certain waivers may apply. (See City of Dover Freedom of Information Act Policy Section 5.4)