



## Las Américas ASPIRA Academy SCHOOL POLICIES

<b>Policy Title: FOIA-Freedom of Information Act</b>	<b>Date Adopted: 10/27/16</b>
<b>Policy #: 2002</b>	<b>Date Revised: n/a</b>
<b>Purpose: To establish the right of the public to inspect and copy public records.</b>	
<b>Scope: This policy applies to anyone requesting public records.</b>	

Under Title 29, Delaware Code, Chapter 100, the Freedom of Information Act (FOIA) establishes the right of the public to inspect and copy public records. Citizens should have the opportunity to observe the performance of public officials and to monitor the decisions that are made by those officials in formulating and executing public policy; furthermore, citizens should have easy access to public records.

Section 10003(b) of the FOIA establishes that all public records shall be opened to inspection and copying during regular business hours by the custodian of the records (Las Américas ASPIRA Academy-LAAA). Reasonable access to and reasonable facilities for copying of these records shall not be denied to any citizen. Las Américas ASPIRA Academy has implemented a policy for addressing requests made under the Freedom of Information Act, as well as fees charged for copying such records.

Any citizen shall be granted access to LAAA’s public records under the following terms and conditions:

### Definitions

- **“FOIA”** means the Freedom of Information Act
- **“FOIA Coordinator”** is the person designated by Las Américas ASPIRA Academy Chief Executive Officer to receive and process FOIA requests. The FOIA Coordinator shall maintain a document tracking of all FOIA requests, including the requesting party’s contact information; the date the request is received; LAAA’s response deadline; the date of the response, the names, contact information and dates of correspondence with individuals contacted in connection with each request; the dates of review by LAAA employee, and the names of employees conducting reviews; reasons for any extension; 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.
- **“LAAA”** means Las Américas ASPIRA Academy Charter School.
- **“Public Record”** is information of any kind, owned, made, used, retained, received, produced, composed, drafted or otherwise compiled or collected, by any public body (Las Américas ASPIRA Academy), 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. **The following records shall not be deemed public:**

- (1) Any personnel, medical or pupil file, the disclosure of which would constitute an invasion of personal privacy.
- (2) Financial information obtained from a person which is of a privileged or confidential nature;
- (3) Investigatory files compiled for civil or criminal law-enforcement purposes including pending investigative files.
- (4) Criminal files and criminal records, the disclosure of which would constitute an invasion of personal privacy.
- (5) Intelligence files compiled for law-enforcement purposes, the disclosure of which could constitute an endangerment to the local, state or national welfare and security;
- (6) Any records specifically exempted from public disclosure by statute or common law;
- (7) Any records which disclose the identity of the contributor of a bona fide and lawful charitable contribution to the public body whenever public anonymity has been requested of the public body with respect to said contribution by the contributor;
- (8) Any records involving labor negotiations or collective bargaining;
- (9) Any records pertaining to pending or potential litigation which are not records of any court;
- (10) Subject to § 10004(f) of title 29, Chapter 100 with respect to release of minutes of executive sessions, any record of discussions held in executive session pursuant to § 10004(b) and (c) of Title 29 of the Delaware Code;
- (11), (12), (13) and (14) information could be found at <http://delcode.delaware.gov/title29/c100/index.shtml>
- (15) Any photographs, video recordings or audio recordings of a postmortem examination in the possession of the Division of Forensic Science;

NOTE: For complete information about Title 29; Chapter 100 Freedom of Information Act, visit <http://delcode.delaware.gov/title29/c100/index.shtml>

- **“Web Portal”** LAAA shall develop and maintain a web page 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.

### **Procedures for Examining, Copying or Requesting Public Records**

Except for materials and documents in active use or in storage, all public records may be examined and copies obtained at LAAA office located at 326 Ruthar Drive, Newark, DE 19711 during regular business hours. Initial requests to inspect public documents shall be made in writing and delivered in person, by email, by fax or through the internet School’s web portal. The request shall be as specific as possible and shall describe the records sought in sufficient detail to enable LAAA to locate the records with reasonable effort.

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.

FOIA does not require that LAAA to create records, or prepare summaries or compilations of records. 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 LAAA, but are not within LAAA's possession, LAAA 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.

LAAA's FOIA Coordinator will respond to the Requesting Party within fifteen (15) business days as to whether the information is or is not available and when or where it will be made available. If a delay of the requested records is anticipated, the FOIA Coordinator will explain the reason for the delay and provide an expected date and time when the requesting party will have access to the public records sought.

The review of any requested documents must be performed during regular business hours in the presence of a LAAA employee designated by the FOIA Coordinator. In no event will access be provided at a time, or in a manner, which disrupts the normal operations of LAAA. No original documents may be removed from LAAA property by the Requesting Party. Review of an original copy of a document will be in the presence of a member of LAAA coordinated by the FOIA Coordinator.

LAAA will provide emails if it is able to do so with reasonable effort. If the assistance of School information and technology personnel is necessary in order to provide emails, LAAA 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. LAAA 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 FOIA.

### **Copying**

LAAA may, in its discretion, make the copies at the time of the review or copy and mail the records to the Requesting Party. The Requesting Party may elect to pick up the copies during regular business hours and submit payment at that time.

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 LAAA FOIA Coordinator. Copying of a public document shall be done by the division involved.

### **Copying Fees**

The cost of providing copies of paper records shall be:

- (a) There is 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.

### **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. Payment for copies is due at the time copies are to be released to the Requesting Party. LAAA may require prepayment of copying, administrative and mailing fees prior to mailing copies of requested records. LAAA reserves the right to refuse to provide copies for Requesting Parties who have outstanding balances. LAAA personnel will maintain a receipt register and, upon request, provide a receipt to the Requesting Party when payment is received. All payments will be made to:

**Las Americas ASPIRA Academy**

326 Ruthar Drive  
Newark, DE 19711  
Attn: FOIA Coordinator

**Administrative Fees**

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.

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

In the event that requests for records maintained in an electronic format can be electronically mailed to the Requesting Party, only the administrative charges in preparing the electronic records will be charged. All electronic files will be sent in a read-only format unless Requesting Party requires Excel format.

Administrative charges will be billed to the Requesting Party per quarter hour. These charges will be billed at the current hourly pay grade rate of the lowest paid School employee capable of performing the service. Every reasonable effort shall be made to minimize administrative fees. Administration charges will be in addition to any copying charges.

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