

Delaware Municipal Electric Corporation Policies and Procedures Regarding Delaware Freedom of Information Act Requests

The purpose of this policy is to set forth the rules and procedures for responding to requests from the public for Public Records under Title 29, Chapter 100 of the Delaware Code, the Freedom of Information Act.

Definitions

The following words and terms, when used in this policy, shall have the following meaning unless the context clearly indicates otherwise:

“DEMEC” means the Delaware Municipal Electric Corporation.

“FOIA” means the Freedom of Information Act as established pursuant to Title 29, Chapter 100 of the Delaware Code.

“FOIA Coordinator” shall mean the person designated by DEMEC to receive and process FOIA Requests.

“FOIA Request” or “Request” means a request to inspect or copy Public Records pursuant to Chapter 29, Section 10003 of the Delaware Code and in accordance with the policy hereunder.

“FOIA Request Form” means the form promulgated by the Office of the Attorney General upon which requests for Public Records may be made.

“Public Record” shall have the meaning set forth in 29 *Del. C.* §10002.

“Requesting Party” shall mean the party filing a FOIA Request.

Records Request, Response Procedures and Access

Form of Request

All FOIA Requests shall be made in writing to DEMEC in person, by US Mail, by e-mail, or by fax. FOIA Requests may be submitted using the FOIA Request Form promulgated by the Office of the Attorney General; provided, however, that any FOIA Request that otherwise conforms with the policy hereunder shall not be denied solely because the request is not on the promulgated form. Copies of the FOIA Request Form may be obtained from DEMEC’s website.

All requests shall adequately describe the records sought in sufficient detail to enable DEMEC to locate such records with reasonable effort. The Requesting Party shall be as specific as possible when requesting records. To assist DEMEC in locating the requested records, DEMEC may request the Requesting Party provide additional information known to the Requesting Party,

such the types of records, dates, parties to correspondence and subject matter of the requested records.

Method of Filing Request

FOIA Requests may be made by US mail, e-mail, fax or in person to the FOIA Coordinator at:

Delaware Municipal Electric Corporation
Attn: Kimberly Schlichting
22 Artisan Drive
Smyrna, DE 19977

by email to kschlichting@demecinc.net or by fax at (302) 653-2734

FOIA Coordinator

The DEMEC Board of Directors shall designate a FOIA Coordinator, who shall serve as the point of contact for FOIA Requests and coordinate DEMEC's responses thereto. The FOIA Coordinator shall be identified on DEMEC's website. The FOIA Coordinator may designate other DEMEC employees to perform specific duties and functions hereunder.

The FOIA Coordinator and/or his or her designee, working in cooperation with other DEMEC employees and representatives, shall make every reasonable effort to assist the Requesting Party in identifying the records being sought and assist DEMEC in locating and providing the requested records. The FOIA Coordinator and/or his or her designee will also work to foster cooperation between DEMEC and the Requesting Party. Without limitation, if a Requesting Party initiates a FOIA Request that would more appropriately be directed to another State of Delaware agency, instrumentality or municipality, the FOIA Coordinator shall promptly forward such request to the relevant agency, instrumentality or municipality and promptly notify the Requesting Party the request has been forwarded. DEMEC may close the initial request upon receipt of a written confirmation from the FOIA Coordinator of the relevant agency, instrumentality or municipality that the relevant agency, instrumentality or municipality has received such request. DEMEC shall provide the Requesting Party with the name and phone number of the FOIA Coordinator of the relevant agency, instrumentality or municipality.

DEMEC Response to Requests

DEMEC shall respond to a FOIA Request as soon as possible, but in any event within fifteen (15) business days after the receipt thereof, either by providing access to the requested records; denying access to the records or parts of them; or by advising additional time is needed because the request is for voluminous records, requires legal advice or a record is in storage or archived. If access cannot be provided within fifteen (15) business days, DEMEC shall cite one of the reasons hereunder why more time is needed and provide a good-faith estimate of how much additional time is required to fulfill the request.

If DEMEC denies a request in whole or in part, DEMEC's response shall indicate the reasons for the denial. DEMEC shall not be required to provide an index, or any other compilation, as to each record or part of a record denied.

Requests for E-mail

Requests for email records shall be fulfilled by DEMEC from its own records, if doing so can be accomplished by DEMEC with reasonable effort.

Review by DEMEC

Prior to disclosure, records may be reviewed by DEMEC to ensure those records or portions of records deemed non-public may be removed pursuant to 29 Del. C. §10002(l) or any other applicable provision of law. In reviewing the records, all documents shall be considered Public Records unless subject to one of the exceptions set forth in 29 Del. C. §10002(l) or any other applicable provision of law. Nothing herein shall prohibit DEMEC from disclosing or permitting access to Public Records if DEMEC determines to disclose such records, except where such disclosure or access is otherwise prohibited by law or regulation.

Hours of Review

DEMEC shall provide reasonable access for reviewing Public Records during regular business hours.

Fees

Photocopying Fees

In instances in which paper records are provided to the Requesting Party, photocopying fees shall be as follows:

Standard Sized, Black and White Copies: The first 20 pages of standard sized, black and white copied material shall be provided free of charge. The charge for copying standard sized, black and white Public Records for copies over and above 20 shall be \$0.10 per sheet (*i.e.*, \$0.10 for a single-sided sheet, \$0.20 for a double-sided sheet). This charge applies to copies on the following standard paper sizes: 8.5" x 11"; 8.5" x 14"; and 11" x 17".

Oversized Copies/Printouts: The charge for copying oversized Public Records shall be as follows:

18" x 22": \$2.00 per sheet

24" x 36": \$3.00 per sheet

Documents larger than 24" x 36": \$1.00 per square foot

Color Copies/Printouts: An additional charge of \$1.00 per sheet will be assessed for all color copies or printouts for standard sized copies (8.5" x 11"; 8.5" x 14"; and 11" x 17"), and \$1.50 per sheet for larger copies.

Administrative Fees

Administrative fees shall be levied for requests requiring more than one hour of staff time to process. Charges for administrative fees may include staff time associated with processing FOIA Requests, including, without limitation, (a) identifying records; (b) monitoring file reviews; and (c) generating computer records (electronic or print-outs). Administrative fees shall not include any cost associated with DEMEC's legal review of whether any portion of the requested records is exempt from FOIA.

Prior to fulfilling any request that would require a Requesting Party to incur administrative fees, DEMEC shall provide a written cost estimate of such fees to the Requesting Party, listing all charges expected to be incurred in retrieving such records. Upon receipt of the estimate, the Requesting Party may decide whether to proceed with, cancel or modify the request.

Administrative fees will be billed to the Requesting Party per quarter hour. These charges will be billed at the current hourly pay grade (pro-rated for quarter hour increments) of the lowest-paid employee capable of performing the service. Administrative fees will be in addition to any other charges incurred including copying fees.

When multiple FOIA Requests are submitted by or on behalf of a Requesting Party in an effort to avoid incurring administrative charges, DEMEC may in its discretion aggregate staff time for all such requests when computing fees hereunder.

Microfilm and/or Microfiche Printouts

The first 20 pages of standard sized, black and white material copied from microfilm and/or microfiche shall be provided free of charge. The charge for microfilm and/or microfiche printouts over and above 20 shall be \$0.15 per sheet.

Electronically Generated Records

Charges for copying records maintained in an electronic format will be calculated by the material costs involved in generating the copies (including but not limited to DVD, CD or other electronic storage costs) and administrative costs.

Payment

DEMEC may require all fees to be paid prior to any service being performed hereunder. DEMEC may require pre-payment of all fees prior to fulfillment of any request for records hereunder.

Appointment Rescheduling or Cancellation

Requesting Parties who do not reschedule or cancel appointments to view files at least one full business day in advance of the appointment may be subject to the charges incurred by DEMEC in preparing the requested records. DEMEC shall prepare an itemized invoice of these charges and provide the same to the Requesting Party for payment.