

POLICY OF STATE OF DELAWARE DEPARTMENT OF CORRECTION	POLICY NUMBER 10.5	PAGE NUMBER 1 of 2
	RELATED ACA STANDARDS: 2-CO-1A-25, 2-CO-1A-26	
CHAPTER: 10 COMMUNICATION AND COMMUNITY RELATIONS	SUBJECT: FREEDOM OF INFORMATION ACT/E-MAIL RECORDS	
APPROVED BY THE COMMISSIONER AND EFFECTIVE THIS DATE:	 12/22/2014	
APPROVED FOR PUBLIC RELEASE		

- I. AUTHORITY:** 11 *Del. C.* §6504 and §6517; 29 *Del. C.* §10001 - 10007
- II. PURPOSE:** To provide clear direction for the response from the Department of Correction to Freedom of Information Act (FOIA) requests for E-mail records.
- III. APPLICABILITY:** All Department employees, volunteers, persons or organizations conducting business with the Department.
- IV. DEFINITIONS:**
- Freedom of Information Act (FOIA):** As defined in 29 *Del. C. Ch.* 100.
- Department of Technology and Information (DTI):** The Executive level agency responsible for fostering centralized technology leadership and support to State government.
- Public Record:** As defined in 29 *Del. C.* §10002.
- V. POLICY:** It is the policy of the Department of Correction to comply with each of the requirements of the FOIA statute and to appropriately release any and all documents meeting the definition of “public record” as set forth in the FOIA statute.
- VI. PROCEDURES:** The Office of the Commissioner is the sole point of contact for public record requests and releases. Any FOIA request received by the Department of Correction must be directed immediately to the Office of the Commissioner.

The Department determines if requested documents are subject to disclosure under Delaware law. Information may not be released if it falls outside the definition of “public record” or falls within one of the enumerated exceptions to “public record”.

All requests for release of public records must be made in writing, and the requestor must be as specific as possible in identifying the public records being requested. The requestor must provide a name, address and contact number.

The requestor will be charged a fee as outlined in 29 *Del. C. Ch.* 100. The Department will make a good faith effort to determine costs and notify the requestor of the estimated charges prior to performance of the search.

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Upon receipt of a request for public records, the Department of Correction will provide an initial response to the request within 10 business days from the date of the receipt. If circumstances dictate that the records cannot be provided within 10 business days, the Department will contact the requestor indicating the reason the records are not available and provide an estimated receipt date.

Any request for e-mail records exceeding the capacity and resources of the Department of Correction shall be submitted to the Department of Technology and Information (DTI). DTI provides the e-mail records to the Department if available, and the Department retains the right to review for appropriate disclosure.

A specific request for e-mail records must identify the subject of the e-mail, the date or approximate time period the e-mail was received or sent, and receiver or sender of the e-mail. Requests not meeting the aforementioned standards will not be processed by the Department.

The Department will maintain a log of all FOIA requests.

For requests related to social research, please refer to DOC Policy 6.9.