



SPONSOR: Rep. Lynn & Rep. Kowalko & Rep. K. Williams & Sen.
Peterson

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO. 269

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE FREEDOM OF INFORMATION
ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 10002, Title 29 of the Delaware Code by making deletions as shown by strike through and
insertions as shown by underline as follows:

§ 10002. Definitions.

(l) "Public record" is 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. For purposes of this chapter, the following records shall not be deemed
public:

~~(16) Emails received or sent by members of the Delaware General Assembly or their staff;~~

~~(19) Any communications between a member of the General Assembly and that General Assembly member's
constituent, or communications by a member of the General Assembly on behalf of that General Assembly member's
constituent, or communications between members of the General Assembly.~~

SYNOPSIS

In 2009, the General Assembly passed legislation, signed by the Governor, which in part subjected its records to
disclosure under the Freedom of Information Act ("FOIA"). However, that legislation created exemptions for e-mails
received or sent by members of the General Assembly or their staff and communications between members, between
members and their constituents, or by members on behalf of their constituents. This Act removes these exemptions from
FOIA.