

SPONSOR: Rep. Atkins & Rep. Schwartzkopf & Sen. Venables
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HOUSE OF REPRESENTATIVES

147th GENERAL ASSEMBLY

HOUSE BILL NO. 321
AS AMENDED BY
HOUSE AMENDMENT NO. 1

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 Chapter 100, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 10002. Definitions.

(d) "FOIA coordinator" shall mean the person designated by the Cabinet Secretary, school district superintendent, ~~or~~ local government head, Chair, or equivalent executive officer of the public body to receive and process FOIA requests.

§ 10003. Examination and copying of public records.

(f) *FOIA coordinator.* —

(1) Each public body shall designate a FOIA coordinator who shall serve as the point of contact for FOIA requests and coordinate the public body's responses thereto. The FOIA coordinator shall be identified on the public body's website and each public body shall provide the name and contact information for its FOIA coordinator to the Attorney General. The public body shall update this information on its website and with the Attorney General within 20 working days of any change in its FOIA coordinator or the FOIA coordinator's contact information. The FOIA coordinator may designate other employees to perform specific duties and functions hereunder.

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§ 10007. Education.

(a) The Attorney General shall publish biennially a manual for FOIA coordinators. The Attorney General shall send the manual to each FOIA coordinator electronically and shall make the manual available on the Attorney General's website. The Attorney General shall, at a minimum, include the following in the manual:

(1) An explanation of the duties and responsibilities of the FOIA coordinator;

(2) An explanation of the time frames included within this chapter, how to calculate these time frames, and the circumstances in which any of these time frames are tolled;

(3) An explanation of the power of the public body to charge fees for requests for public records;

(4) An explanation of the reasons for calling an executive session closed to the public pursuant to purposes listed in § 10004(b), including an explanation of the strategy session exception; and

(5) A summary of Delaware judicial opinions, Attorney General opinions, and other legal opinions issued in the preceding two years related to this chapter.

(b) The Attorney General shall hold annually a training seminar for FOIA coordinators that shall be open to the public and noticed in accordance with this chapter. The Attorney General shall send notice of the training to each FOIA coordinator and shall post notice of the training on the Attorney General's website. The Attorney General shall, at a minimum, include the following in the training:

(1) The topics included in the manual pursuant to subsection (a) of this section;

(2) A discussion of best practices for responding to requests for public records; and

(3) A question and answer session.

(c) The Attorney General shall, in addition to any other publication method deemed appropriate by the Attorney General, maintain a website containing Attorney General opinions related to this chapter. The Attorney General shall include on the website a summary of the holding of each Attorney General opinion.

(d) Nothing in this section shall be construed as legal advice in contravention of §§ 2504(2) or 2515 of this title.

Section 2. This Act shall take effect on July 1, 2015.

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