SPONSOR: Rep. Atkins & Rep. Schwartzkopf & Sen. Venables
Reps. Baumbach, Briggs King, Carson, Heffernan, Q. Johnson, Keeley, Kowalko, Paradee, Wilson; Sens. Ennis, Hocker, Lavelle, Townsend

HOUSE OF REPRESENTATIVES
147th GENERAL ASSEMBLY

HOUSE BILL NO. 321

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.

§ 10007. Education.

(a) The Attorney General shall publish annually 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 judicial opinions, Attorney General opinions, and other legal opinions issued in the preceding year related to this chapter.

(b) The Attorney General shall hold annually a training seminar for FOIA coordinators. 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;

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(2) A discussion of best practices for responding to citizen 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.

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

SYNOPSIS

This bill requires the Attorney General to engage in educational efforts aimed at FOIA coordinators for all public bodies in this State. FOIA coordinators serve an important role as the first point of contact between government and citizens seeking public records to observe the performance and monitor the decisions of public officials. By increasing the knowledge of FOIA coordinators about the Freedom of Information Act, the government can be more accountable to the citizens of this State.