

# Employee pay is expected to be published soon

Kent County recently replied to a Freedom of Information Act request from the News Journal newspaper seeking the names, titles, department & sub-department, and salaries of all employees including part-time and temporary employees and appointed Board members as of October 2018.

That information was submitted to the News Journal on October 29 and is expected to be made available to the public very soon. In addition to publication of some or all of the information, the newspaper intends to create a searchable database for the County salary information on [www.delawareonline.com](http://www.delawareonline.com). A similar database is already available to the public with State of Delaware employee and New Castle County employee salary information. It is expected that Sussex County will also be featured.

This specific information is public under the law.

Public Information Officer Kelly Pitts is Kent County's FOIA Coordinator.

The **Delaware Freedom of Information Act**, first established in 1977, is a series of laws guaranteeing that the public has access to the public records of governmental bodies. Public records are defined as 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.

Any citizen of Delaware may request public documents and the purpose of the records request is not required. The Delaware Freedom of Information Act does not place limits on the use of public records and there is a 15 day response time allotted.

The Delaware Open Meetings law, included in the Delaware Freedom of Information Act, states that all gatherings of quorum of members of a public body, whether formal, informal or through video conferencing, with the intention of discussing public business are considered meetings. The act defines government body as any agency of the state or any subdivision, and any agency or body created or empowered by a state agency which receives or disperses public fund or acts in an advisory capacity. Meetings that are regularly held by a division of the state, must be held in a public place within the geographic jurisdiction of that public body.

If the Delaware Open Meetings Law is violated, the resident may contact the Attorney General. The Attorney General then has 20 days to respond and decide if a violation has occurred.

## **Delaware Freedom of Information Act Title 29, Chapter 100**

Exemptions to open records laws include:

- "Any personnel, medical or pupil file, the disclosure of which would constitute an invasion of personal privacy"
- Trade secrets
- Current police investigations, adoption information, and child custody information
- Any criminal records deemed personal and private

- Criminal intelligence information that would pose a security risk
- "Any records specifically exempted from public disclosure by statute or common law"
- Anonymous charitable contributions to the public
- Labor negotiations records
- The minutes of executive meetings where the the meeting has been closed by a vote of the public body because the subject of the meeting was either hiring discussions, disciplinary hearings, litigation strategy, criminal investigations or preliminary discussions of publicly funded projects.
- Records of registered concealed weapons permits
- Public Library records
- Department of Correction records when sought by an inmate in that department
- Autopsy photos and videos
- The emails of the Delaware General Assembly and their staff
- Any records that could result in a security risk to either individuals or infrastructure
- Military service discharge documents

In addition, Closed meetings; Criminal investigations; employee evaluations; attorney-client discussions; collective bargaining; real estate transactions; student disciplinary hearings; and attorney-client meetings.

For more information check the links below:

<https://attorneygeneral.delaware.gov/executive/open-government/>

<https://attorneygeneral.delaware.gov/wp-content/uploads/sites/50/2018/04/FINAL-FOIA-POLICY-MANUAL-2017.pdf>

*(Posted 10/29/18)*