



KATHLEEN JENNINGS
ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
820 NORTH FRENCH STREET
WILMINGTON, DELAWARE 19801

CIVIL DIVISION (302) 577-8400
CRIMINAL DIVISION (302) 577-8500
DIVISION CIVIL RIGHTS & PUBLIC TRUST (302) 577-5400
FAMILY DIVISION (302) 577-8400
FRAUD DIVISION (302) 577-8600
FAX (302) 577-2610

OFFICE OF THE ATTORNEY GENERAL OF THE STATE OF DELAWARE

Attorney General Opinion No. 24-IB03

January 24, 2024

VIA EMAIL

Crystal Long
americancitizensseaforddelaware@proton.me

RE: FOIA Petition Regarding the City of Seaford

Dear Ms. Long:

We write in response to your correspondence alleging that the City of Seaford violated Delaware's Freedom of Information Act, 29 *Del. C.* §§ 10001-10008 ("FOIA"). We treat this correspondence as a Petition for a determination pursuant to 29 *Del. C.* § 10005 regarding whether a violation of FOIA has occurred or is about to occur. As discussed more fully herein, we determine that the City did not violate FOIA as alleged.

You submitted eighteen requests to the City of Seaford. The City Solicitor responded to your requests via letter dated January 4, 2024, providing an estimate of the costs to process the requests.¹ In your correspondence, you made two claims against the City. First, you argue that each request must be responded to individually. Second, you allege that the City violated "all kinds of laws," and as an example, you state you did not receive a response to your inquiry about the title and status of a certain parcel of real property.²

¹ Administrative fees may not include any cost associated with legal review determining whether any portion of the records are exempt, and the public body must make every effort to ensure administrative fees are minimized, including limiting the use of nonadministrative staff to the extent possible. 29 *Del. C.* § 10003(m).

² Petition.

The FOIA statute does not require a public body to respond to each request through an individual and separate communication.³ In addition, a public body is expressly permitted to aggregate the fees for purposes of processing multiple requests.⁴ Thus, we find that the City's use of a single communication to respond to your eighteen requests does not constitute a violation of FOIA. In addition, this Office's statutory authority is limited to allegations related to the FOIA statute, and the claim related to other laws, including the issues regarding a certain parcel, is outside the scope of this determination.⁵ For the reasons set forth above, we conclude that the City has not violated FOIA by failing to provide an individual communication for each of the eighteen requests submitted.

Very truly yours,

/s/ Dorey L. Cole

Dorey L. Cole
Deputy Attorney General

Approved:

/s/ Patricia A. Davis

Patricia A. Davis
State Solicitor

cc: Daniel A. Griffith, City Solicitor

³ 29 *Del. C.* § 10003.

⁴ 29 *Del. C.* § 10003(m)(2) (“When multiple FOIA requests are submitted by or on behalf of the requesting party in an effort to avoid incurring administrative charges, the public body may in its discretion aggregate staff time for all such requests when computing fees hereunder.”).

⁵ 29 *Del. C.* § 10005(e).