

**10876. RESOLUTION 14-39 – AUTHORIZING REVISIONS AND MODIFICATIONS TO THE DELAWARE RIVER AND BAY AUTHORITY FREEDOM OF INFORMATION REGULATIONS**

WHEREAS, The Delaware River & Bay Authority (the “Authority”) was created by a Compact between the States of Delaware and New Jersey in 1962 for the public purpose of providing regional transportation and conducting certain other authorized activities between the two States; and

WHEREAS, the Authority operates two vital transportation links, the Delaware Memorial Bridge and the Cape May – Lewes Ferry as well as five regional aviation facilities in both Delaware and New Jersey; and

WHEREAS, as a public agency, the Authority adopted Freedom of Information Regulations (“Regulations”) at its April 17, 1990 public meeting; and

WHEREAS, while the Authority has amended the Regulations on two different occasions by the adoption of Resolution 00-03 and Resolution 04-05, the Regulations have not been revised or modernize to incorporate technology advancements and today’s security landscape; and

WHEREAS, the Authority is responsible for the security and safety of the agency’s facilities and the public who utilizes them; and

WHEREAS, the Authority desires to maintain an open, fair and competitive public contracting process; and

WHEREAS, the Authority desires to establish a uniform process for handling and responding to Freedom of Information requests, agency responsibilities and a fee schedule; and

WHEREAS, the proposed changes are consistent with public record definitions and how Freedom of Information Requests re processed in both Delaware and New Jersey; and

WHEREAS, the Authority has concluded that the revised Freedom of Information Regulations are reasonable, necessary, proper and desirable; and

WHEREAS, the Authority desires to amend the Freedom of Information Regulations with an effective date of November 1, 2014.

NOW THEREFORE BE IT RESOLVED that the revised Freedom of Information Regulations for the Delaware River and Bay Authority, attached hereto, are hereby adopted with an effective date of November 1, 2014.

A motion to approve Resolution 14-39 was made by Commissioner Smith and seconded by Commissioner Downes. Resolution 14-39 failed as the roll call vote of 9-1, (Chairman Hogan voted NO) only included three (3) affirmative votes from NJ Commissioners.

## **Resolution 14-39 Executive Summary Sheet**

**Resolution:** Amends and revises the Authority's Freedom of Information Regulations

**Committee:** Audit and Governance Committee

**Committee/**

**Commission Date:** October 21, 2014

### **Purpose of Resolution:**

The Authority desires to amend and revise its Freedom of Information Regulations (FOIR) to incorporate technology considerations, classify certain security documents as records of a confidential nature, limit public access to documents during contract bidding, and to establish a uniform process for handling requests for public records including a standardized form and fee schedule. The Resolution also clarifies the process for calling a special, but non-emergency meeting of the Board of Commissioners.

- Definitions for the following commonly used terms were added: "Authority", "Commissioners", "FOIR request" "FOIR request form", "Meeting", "Non-Custodial Records", "Public Business" "Public Information Officer", "Public Record"

- The following categories of confidential records were added:  
records relating to pending or anticipated contracts and negotiations, information received in response to public solicitation of bids while the disposition of the matter is still pending; information related to computer systems which could jeopardize security, information related to emergency response plans, information relating to building security and surveillance; and information required to be kept confidential pursuant to a Court Order.

### **Background for Resolution:**

In an effort to ensure that Authority's public business is performed in an open, public, and transparent manner, the DRBA Commission adopted FIOR on April 17, 1990. While this policy details the Authority's open meeting process, classifies public records and records of a confidential nature, the policy does not contain a uniform process to handle record requests outlined information of a confidential nature nor does it take into account technological advancements, like email. The Authority's FOIR is consistent with the intent of Delaware's Freedom of Information Act (FOIA) and New Jersey's Open Public Record Act (OPRA).