

DELAWARE PUBLIC ARCHIVES
OPERATING POLICIES AND PROCEDURES

ACCESS TO RECORDS

1. NON-CONFIDENTIAL RECORDS

1.1 State Records Center

Records that are not confidential may be requested by the creating agency records officer/authorized agent by telephone, fax, or in person.

- 1.10 Records requested by telephone or fax will be delivered to the creating agency records officer/authorized agent or to other agency personnel as requested by the records officer/authorized agent.
 - 1.111 When records are retrieved in person by creating agency records officer/authorized agent the person must identify themselves as records officer or authorized agents for the creating agency.
 - 1.112 Recipients must sign a receipt for the records received.
 - 1.113 Records requested by fax must be requested on a Record Service Request form (Form RM4). Records will be faxed to the creating agency records officer/authorized agent only, with a copy of the Record Service Request form.
 - 1.114 Non-confidential records in storage in the State Records Center are owned by the agency that transferred them and will not be serviced by research room or records center staff to individuals requesting access. Individuals will be referred to the agency.
 - 1.115 Requests for non-confidential court records older than 60 years - see Archives, Section 1.22.
- 1.20 Creating agencies may choose to pick up records in person at the records center.
 - 1.211 Records will be given to creating agency personnel upon presentation of identification as records officer/authorized agent. Records will only be given to other agency personnel when requested, in writing, by the records officer/authorized agent.
 - 1.212 Requests must be signed by the creating agency's records officer/authorized agent.
 - 1.213 Recipients must sign a receipt for the records received.
- 1.30 When the creating agency is ready to return the material to the records center, the agency should advise DPA. A DPA courier will pick up the record. (See 2.14 for handling of confidential records.)
- 1.40 Creating agencies may choose to return the record to the records center in person.

- 1.411 Records will be accepted for refiling at the records center when accompanied by a copy of the original record service request form.
 - 1.50 (Deleted 2000. Replaced by Contract 00-406-JS, Offsite Data Storage, as issued by Division of Support Services/Purchasing. See website for details.)
 - 1.60 (Deleted 2000. Replaced by Contract 00-406-JS, Offsite Data Storage, as issued by Division of Support Services/Purchasing. See website for details.)
 - 1.70 Fees for reproducing/duplicating records requested by the public and/or government agencies will be established and available upon request.
- 1.2 Archives
- 1.20 Non-confidential records transferred to DPA for permanent preservation in the Archives come under both the physical and legal jurisdiction of DPA. Transfer of records constitutes formal transfer of custody/ownership.
 - 1.21 Non-confidential records in the custody of the Archives may be requested through the research room during normal operating hours.
 - 1.22 Requests for records designated as closed under the Freedom of Information Act (29 Del. Code, §10001) that are also older than 60 years will be handled by Archives staff on a case-by-case basis.
 - 1.23 Fees for reproducing/duplicating records requested by the public and/or government agencies are available upon request.

2. CONFIDENTIAL RECORDS

2.1 State Records Center

Confidential records stored in the State Records Center will be marked by the creating agency as confidential and will be stored in a secure area to which only specified supervisory personnel have access.

- 2.10 Confidential records in storage in the State Records Center are owned by the agency that transferred the records and will not be serviced by research room or records center staff to individuals requesting access. Individuals will be referred to the creating agency. Requests for court records older than 60 years - see Archives, Section 2.25.
- 2.11 Agencies with confidential records stored in the records center may request the return of these records as needed.
 - 2.111 Requests for confidential records must be in writing. Agency must submit a letter or Record Service Request form (Form RM4) with the assigned records center container number and a description of the information requested.
 - 2.112 Request must be signed by the creating agency's records officer/authorized agent.

- 2.113 DPA courier will hand-deliver requested records in sealed envelopes to the creating agency's records officer/authorized agent or to other creating agency personnel designated as recipient on the record service request form or letter from the agency.
- 2.114 Recipients must sign a receipt for the records received.
- 2.12 Creating agencies may alternatively choose to pick up confidential records in person at the records center.
 - 2.121 Records will be given to creating agency records officer/authorized agent or to other designated personnel upon presentation, in writing with authorized signature, of a record service request form with the assigned records center container number and a description of the information requested.
 - 2.122 Recipients must sign a receipt for the records received.
 - 2.123 Records given to designated personnel must be sealed.
- 2.13 Confidential records may be requested by the creating agency records officer/authorized agent by faxing a record service request form with appropriate signatures to DPA.
 - 2.131 The requested confidential record will be faxed to the creating agency records officer/authorized agent with a copy of the record service request form after verbal verification by telephone that the records officer/authorized agent is at the fax machine to receive the transmission. Immediately after transmission is complete the records officer/authorized agent will verbally verify transmission and will fax a copy of the transmission document to the records center to verify receipt of the records.
- 2.14 When the creating agency is ready to return the confidential record to the records center, the agency should advise DPA. A DPA courier will pick up the record, which must be sealed. **The creating agency is not to send the confidential record through the U.S. Postal or state mail systems.**
 - 2.141 The returned record will be delivered by the courier directly to DPA for immediate refiling in the records center.
- 2.15 Creating agencies may choose to return the confidential record to the records center in person.
 - 2.151 Records will be received for refiling in the records center when sealed in envelopes signed by the creating agency's records officer/authorized agent and accompanied by a copy of the record service request form.
- 2.16 Requests for access to confidential records from other than the creating agency.
 - 2.161 Persons other than the creating agency's records officer/authorized agent who request confidential records stored in the State Records Center will be referred to the creating agency records officer.
 - 2.162 The creating agency must then request the records from DPA as described above.

- 2.17 In cases involving criminal history information, referrals will be directed to the State Bureau of Identification (SBI) rather than the creating agency, since SBI is designated by statute as the central repository for all criminal history information in Delaware.
- 2.171 Criminal case disposition information may be released, without restriction, to any Delaware court, police department or correctional official.
- 2.172 Inquiries from out-of-state, from other sources, or regarding court records other than criminal history information will be referred to the appropriate court. Requests for court records older than 60 years - see Archives, Section 2.25.
- 2.18 School record requests are to be referred to the school creating the records. If the school is no longer in existence, DPA will provide information to individuals requesting their own school records or to whomever they have given a release for that information. Requests should be in writing or in person.
- 2.181 Class reunion information. Contact the school.
- 2.1811 Exception: For schools that are closed, a letter requesting the information is to be sent to DPA, which will make copies of the school register and delete all information except the students' names.
- 2.19 Fees for reproducing/duplicating confidential records are available upon request.

2.2 Archives

- 2.20 Confidential records transferred to DPA for permanent preservation in the Archives come under both the physical and legal jurisdiction of DPA. Transfer of records constitutes formal transfer of custody/ownership.
- 2.21 Certain confidential records in the custody of DPA may be requested by authorized persons through the research room during normal operating hours.
- 2.210 DD 214s may be requested by veterans, heirs of veterans, guardians of veterans, spouses of veterans, and others that have obtained a release for information from one of the above and have completed a Request for Veterans Record form.
- 2.211 Vital statistics records (birth, death, marriage, and divorce) - Information in the research room card files is open to the public, as well as certain death and marriage records (40 years old) and birth records (72 years old). If the information is not found in the card files and does not meet the year limitations, the request must be sent to the Bureau of Vital Statistics where the connection between the person making the request and the individual whose documentation is being requested must be determined. For purposes of confidentiality, the request must be for genealogical research, veterans' or social security benefits, passport applications, or other legitimate purposes.
- 2.212 No vital statistical information will be given over the telephone.
- 2.213 Requests by mail will be handled as a regular copy order using the vital statistics copy order form.

- 2.23 Employee information (i.e. personnel records and State Treasurer's payroll information) may be searched by records officers/authorized agents to verify time of service.
- 2.24 House and Senate tapes will be released to staff of the House or Senate on the authority of the Clerk of the House or the Secretary of the Senate.
- 2.25 Requests for records designated as closed under the Freedom of Information Act (29 Del. Code, §10001) that are also older than 60 years will be handled by Archives staff on a case-by-case basis.
- 2.26 Fees for reproducing/duplicating records requested by the public and/or government agencies are available upon request.

3. DPA ADMINISTRATIVE RECORDS

- 3.1 DPA administrative records that are not confidential may be requested through the research room during normal operating hours.

Effective October 1, 1999
Revised October 15, 2003