



VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

COMMONWEALTH OF VIRGINIA

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Policy on Individual Participation in FOIA Council Meetings by Electronic Means under § 2.2-3708.2

It is the policy of the FOIA Council that individual members of the FOIA Council may participate in meetings of the FOIA Council by electronic means as permitted by Virginia Code § 2.2-3708.2. This policy shall apply to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

Whenever an individual member wishes to participate from a remote location, the law requires a quorum of the FOIA Council to be physically assembled at the primary or central meeting location, and arrangements will be made for the voice of the remote participant to be heard by all persons at the primary or central meeting location. The reason that the member is unable to attend the meeting and the remote location from which the member participates will be recorded in the meeting minutes.

When an individual's participation through electronic communication means is due to a personal matter, such participation is limited each calendar year to two meetings or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

Individual participation from a remote location shall be approved unless such participation would violate this policy or the provisions of the Virginia Freedom of Information Act. If a member's participation from a remote location is challenged, then the Council shall vote whether to allow such participation. If the Council votes to disapprove of the member's participation because such participation would violate this policy, such disapproval will be recorded in the minutes with specificity.

This policy applies to all committees and subcommittees of the FOIA Council.

This policy was originally adopted by the FOIA Council at its meeting on November 18, 2014. A revised version was adopted by the FOIA Council at its meeting on August 14, 2017 to reflect changes in the law effective July 1, 2017; a second revised version was adopted by the FOIA Council without objection at its meeting on October 17, 2018 to reflect changes in the law effective July 1, 2018. This policy was revised to reflect changes

in the law effective July 1, 2021, and was adopted by the FOIA Council at its meeting on July 19, 2021.