



VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

COMMONWEALTH OF VIRGINIA

Delegate H. Morgan Griffith, Chair
Senator R. Edward Houck, Vice Chair

Maria J.K. Everett, Esq., Executive Director
Alan Gernhardt, Esq., Staff Attorney
foiacouncil@dls.virginia.gov

General Assembly Building ~ 910 Capitol Street, Second Floor ~ Richmond, Virginia 23219
804-225-3056 ~ (Toll Free) 1-866-448-4100 ~ (Fax) 804-371-0169 ~ <http://dls.state.va.us/foiacouncil.htm>

Personal Identifying Information Subcommittee

Monday, September 21, 2009
9:30 a.m. House Room D
General Assembly Building

SUGGESTED AGENDA

1. Call to Order and introduction of members.
2. Further consideration of bills referred by the 2009 Session for further study by the FOIA Council¹:

¹ **SB 880 (Stuart); Department of Game and Inland Fisheries; disclosure of official records; exceptions.** Provides that records of the Department shall be subject to the disclosure provisions of the Freedom of Information Act, except that personal information, as defined in § 2.2-3801, of individual applicants for or holders of any hunting, fishing, boating, or trapping license issued by an agent of the Department shall be withheld from public disclosure, provided that such individuals have requested that the Department not disclose such information. However, statistical summaries, abstracts, or other records containing information in an aggregate form that does not identify individual applicants or licensees shall be disclosed. The bill provides, however, that such information may be released (i) in accordance with a proper judicial order, (ii) to any law-enforcement agency, officer, or authorized agent thereof acting in the performance of official law-enforcement duties, or (iii) to any person who is the subject of the record.

HB 2471 (Hugo); Freedom of Information Act; salary records of teachers. Provides that the disclosure of the names of individual teachers is not required under FOIA in response to a request for the official salary or rate of pay of employees of a local school board.

HB 2630 (Crockett-Stark); Law-Enforcement Officers' Privacy Protection Act. Allows a law-enforcement officer to request that personal information about the officer be withheld from disclosure on public records. For purposes of the Act, "personal information" includes the officer's name, social security number, address, phone number, and any other information that could be used to physically locate the officer.

- **SB 880 (Stuart);** Department of Game and Inland Fisheries; disclosure of official records; exceptions. Review of staff redraft.
 - **NOTE:** *You will recall that at the last meeting of the PII Subcommittee, the Subcommittee requested staff to work on a redraft of SB 880 given the passage of HB 2427 (Protection of SSN Act).*
- **HB 2471 (Hugo); Freedom of Information Act; salary records of teachers.** **NOTE:** *The PII Subcommittee at its last meeting questioned the wisdom of excluding the names of one type of public sector employee but no others. The Subcommittee agreed to give Delegate Hugo another opportunity to present his bill at this meeting.*
- **HB 2630 (Crockett-Stark);** Law-Enforcement Officers' Privacy Protection Act. Review of state laws requiring online posting of personal information.
 - **NOTE:** *You will recall that Delegate Crockett-Stark was present at the April 27, 2009 FOIA Council meeting to discuss HB 2630. She indicated that there is a similar law in place in Ohio that was enacted because a family member of a law enforcement officer was murdered after personal information about the officer was made available. She stated that her sheriff had requested a similar law in Virginia. The sheriff advised that gang members are using the Internet to locate law-enforcement officers and their families. The sheriff had advised that it was the online disclosure of home address information that was the source of his concern. At its last meeting, the Subcommittee agreed that overall issue was of some concern and requested staff to identify the laws that require online disclosure of home address information to focus the Subcommittee's deliberations on this bill.*
- **SB 1332 (Cuccinelli);** Private entities operating, managing, or supervising any portion of the state highway system. **NOTE:** *At the July 13, 2009 FOIA Council meeting, staff, on behalf of Senator Cuccinelli, advised that the bill was introduced to make a private entity that (i) operates, manages or supervises any portion of a state highway system and (ii) receives state or local funding to be deemed a public body for the purposes of FOIA (i.e. its records and any relevant meetings would be open to the public). Staff advised that application of FOIA was*

SB 1332 (Cuccinelli); Private entities operating, managing, or supervising any portion of the state highway system. Provides that a private entity that operates, manages, or supervises any portion of the state highway system and receives funding from the Commonwealth or any of its political subdivisions shall be considered a public body for purposes of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) of the Code of Virginia as it relates to that portion of the private entity's business operations responsible for operating, managing, or supervising the portion of the state highway system.

limited only to those portions of the private entities business that related to the state highway system.

3. Discussion.
4. Other Business.
5. Public Comment.
6. Set future meeting dates for PII Subcommittee and for any joint meeting of PII and JCOTS Subcommittees.
7. Adjournment.

Subcommittee Members

Senator Houck, Chair	Delegate Griffith
Mary Yancey Spencer	Sandra Treadway
Roger Wiley	Courtney Malveaux
George Whitehurst	
<i>Staff: Maria Everett, Alan Gernhardt</i>	

#

The FOIA Council's web site is: <http://foiacouncil.dls.virginia.gov>. To assist us in providing Internet dissemination of materials, presenters are requested to submit written comments and handouts in electronic format by (i) e-mail to staff prior to meetings or (ii) diskette furnished to staff at meetings. Presenters are also requested to bring 20 copies of their remarks or handouts to meetings. These copies will be provided to FOIA Council members and the public. E-mail: foiacouncil@dls.virginia.gov.