



VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL
COMMONWEALTH OF VIRGINIA

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

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*Rights and Remedies Subcommittee
of the
Virginia Freedom of Information Advisory Council*

**Monday, October 4, 2010
10:00 a.m. -- Speaker's Conference Room
Sixth Floor -- General Assembly Building**

SUGGESTED AGENDA

1. Call to Order; and Introduction of Members.
2. HB449 (Ware, R.L.); injunctive relief for public bodies to restrain a requester from harassment or other abuse of the rights or privileges granted under FOIA.
 - Experience of Kansas and Kentucky¹--*You will recall that the Subcommittee expressed interest in the approaches of these two states and directed staff to ascertain how effective and/or utilized*

¹ In summary, Kansas law provides that access may be refused if:

- unreasonable burden to produce or
- custodian has reason to believe that repeated requests intended to disrupt essential functions.
- Refusal must be sustained by preponderance of the evidence.

Kentucky law provides that access may be refused if:

- unreasonable burden to produce or
- custodian has reason to believe that repeated requests intended to disrupt essential functions.
- Refusal must be sustained by clear and convincing evidence.

these provisions are in addressing the use of FOIA to harass a public body.

3. Public Comment.
4. Discussion.
5. Other Business.
6. Set future meeting dates for Rights and Remedies Subcommittee.
(Reminder: Pursuant to HJR 9 (2010), meetings may only be scheduled on Monday, Tuesday, or Wednesday of the first and third full weeks of the month.)
7. Adjournment.

Subcommittee Members

Senator R. Edward Houck, Chair	Frosty Landon
Mary Yancey Spencer	Ed Jones
Roger Wiley	Eric Gregory
George Whitehurst	
<i>Staff: Maria Everett, Alan Gernhardt</i>	

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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.