



VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

COMMONWEALTH OF VIRGINIA

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May 11, 2015

1:30 PM

Speaker's Conference Room, Sixth Floor
General Assembly Building, Richmond, Virginia

Meeting of the RECORDS Subcommittee of the FOIA Council

Proposed Agenda

1. Call to order and introduction of subcommittee members.
2. Work to date pursuant to House Joint Resolution No. 96 (2014). *As you will recall, HJR No. 96 directs the FOIA Council to conduct a three-year study of FOIA examining all of the exemptions in FOIA, as well as the organization and structure of FOIA. In 2014 the Records Subcommittee began its consideration of the records exemptions in FOIA by considering §§ 2.2-3705.1 (exemptions of general application), 2.2-3705.8 (limitation on record exclusions), and 2.2-3705.7 (records of specific public bodies and certain other limited exemptions).*
3. Old business: exemptions studied in 2014 but carried over for further study.
 - Written advice of legal counsel (§ 2.2-3705.1(2)). *It is suggested that this topic be deferred until the next meeting as Mr. Jones will be unable to attend today's meeting;*
 - Working papers and correspondence of certain officials (§ 2.2-3705.7(2)). *It is suggested that this topic be deferred until after the full FOIA Council meets as it is likely that the Council will refer to the Subcommittee HB 1722 (Ramadan)/SB 893 (Petersen) from the 2015 Session of the General Assembly, which would have amended this exemption;*
 - Certain records maintained by the Department of the Treasury or participants in the Local Government Investment Pool (§ 2.2-3705.7(27)). *The Subcommittee deferred consideration of this exemption last year in order to determine whether it was still necessary given the exemption for account and routing numbers enacted in 2010 (§ 2.2-3705.1(13));*
 - Vendor proprietary information software (§ 2.2-3705.1(6)). *The Subcommittee deferred consideration of this exemption in 2014 in order to study it in conjunction with other proprietary records exemptions in § 2.2-3705.6, which is the first section to be considered in 2015.*

4. Continue implementation of subcommittee work plan. *The Subcommittee will begin its work in 2015 by studying the various exemptions for proprietary records and trade secrets in § 2.2-3705.6. It is suggested that the Subcommittee begin by considering the exemptions that are of general application and not necessarily limited to a specific public body:*

- *Financial statements not publicly available filed with applications for industrial development financings (§ 2.2-3705.6(2));*
- *Certain records used for business, trade and tourism development or retention, and certain records related to businesses that are considering locating or expanding in Virginia (§ 2.2-3705.6(3));*
- *Certain records relating to the Virginia Public Procurement Act (§ 2.2-3705.6(10));*
- *Certain records relating to the Public-Private Transportation Act of 1995 or the Public Private Education Facilities and Infrastructure Act of 2002 (§ 2.2-3705.6(11));*
- *Certain records relating to the grant of public utilities and other service franchises by localities (§ 2.2-3705.6 (13));*
- *Certain records relating to the provision of telecommunications and cable television services by localities (§ 2.2-3705.6(18)); and*
- *Certain records relating to the provision of qualifying communication services under the Virginia Wireless Service Authorities Act.*

It is suggested that the Subcommittee take up the other exemptions in this section (those that apply to named public bodies) at its next meeting. Representatives of the affected public bodies will be invited to attend.

5. Public Comment.

6. Discussion.

7. Set future meeting dates. *Reminder: Meetings may only be scheduled on Monday, Tuesday, and Wednesday of the first and third full weeks of the month. Please bring your calendars.*

8. Adjournment.

Subcommittee Members

Bob Tavenner, Chair

Christopher Ashby, Vice-Chair

Stephanie Hamlett

Ed Jones

Tim Oksman

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 Subcommittee members and the public.

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