Records Subcommittee
of the FOIA Council
19 August 2015

Comparison of subdivisions 2, 4, 6 and 14 of § 2.2-2705.2 (Public safety exemptions)

§ 2.2-2705.2 (Public safety record exemptions)--Statute text

Subdivision #2:
Those portions of engineering and construction drawings and plans:

1. Submitted for the sole purpose of complying with the Building Code
   - in obtaining a building permit
   - that would identify specific trade secrets or other information
   - the disclosure of which would be harmful to the competitive position of the owner or lessee
   - However, such information shall be exempt only until the building is completed
   - Information relating to the safety or environmental soundness of any building shall not be exempt from disclosure

2. That reveal:
   - critical structural components
   - security equipment and systems
   - ventilation systems
   - fire protection equipment
   - mandatory building emergency equipment or systems
   - elevators
   - electrical systems

- telecommunications equipment and systems, and other utility equipment and systems
  - submitted for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.)
  - the disclosure of which would jeopardize the safety or security of any public or private commercial office, multifamily residential or retail building or its occupants in the event of terrorism or other threat to public safety
  - to the extent that the owner or lessee of such property, equipment or system in writing (i) invokes the protections of this paragraph; (ii) identifies the drawings, plans, or other materials to be protected; and (iii) states the reasons why protection is necessary
  - Nothing in this subdivision shall prevent the disclosure of information relating to any building in connection with an inquiry into the performance of that building after it has been subjected to fire, explosion, natural disaster or other catastrophic event

Subdivision #4:

Plans and information to prevent or respond to terrorist activity or cyber-attacks:

- the disclosure of which would jeopardize the safety of any person, including
  - (i) critical infrastructure sector or structural components
  - (ii) vulnerability assessments
  - (iii) operational, procedural, transportation, and tactical planning or training manuals, and
  - (iv) staff meeting minutes or other records;
  - (v) engineering or architectural records, or records containing information derived from such records,
  - to the extent such records reveal the location or operation of:
    - security equipment and systems
    - elevators
    - ventilation
    - fire protection
    - emergency, electrical, telecommunications or utility equipment and

        - systems of any public building, structure or information storage facility, or telecommunications or utility equipment or systems; and
    - (vi) information not lawfully available to the public regarding specific cybersecurity threats or vulnerabilities or security plans and measures of:
        - an entity
        - facility
        - building structure
        - information technology system, or
        - software program
    - The same categories of records of any person or entity submitted to a public body for the purpose of antiterrorism response planning or cybersecurity planning or protection may be withheld from disclosure if :
        - such person or entity in writing (a) invokes the protections of this subdivision, (b) identifies with specificity the records or portions thereof for which protection is sought, and (c) states with reasonable particularity why the protection of such records from public disclosure is necessary to meet the objective of antiterrorism or cybersecurity planning or protection. Such statement shall be a public record and shall be disclosed upon request.
    - Nothing in this subdivision shall be construed to prohibit the disclosure of records relating to the structural or environmental soundness of any building, nor shall it prevent the disclosure of information relating to any building in connection with an inquiry into the performance of that building after it has been subjected to fire, explosion, natural disaster or other catastrophic event.

Subdivision #6:

- Engineering and architectural drawings,
- operational, procedural, tactical planning or training manuals, or
- staff meeting minutes or other records,
- the disclosure of which would reveal:
    - surveillance techniques,
    - personnel deployments,

- alarm or security systems or technologies, or
- operational and transportation plans or protocols,
- to the extent such disclosure would jeopardize the security of any governmental facility, building or structure or the safety of persons using such facility, building or structure.

Subdivision #14:

Documentation or other information relating to the Statewide Agencies Radio System (STARS) or any other similar local or regional public safety communications system that:

- (i) describes the
  - design,
  - function,
  - programming,
  - operation, or
  - access control features of :
    - the overall system,
    - components,
    - structures,
    - individual networks, and
    - subsystems of the STARS or any other similar local or regional communications system or
- (ii) relates to radio frequencies assigned to or utilized by STARS or any other similar local or regional communications system,
  - code plugs,
  - circuit routing,
  - addressing schemes,
  - talk groups,
  - fleet maps,

    - encryption,
    - programming maintained by or utilized by STARS or any other similar local or regional public safety communications system;
- those portions of engineering and construction drawings and plans that reveal:
    - critical structural components,
    - interconnectivity,
    - security equipment and systems,
    - network monitoring,
    - network operation center,
    - master sites,
    - ventilation systems,
    - fire protection equipment,
    - mandatory building emergency equipment,
    - electrical systems, and other utility equipment and
    - systems related to STARS or any other similar local or regional public safety communications system; and
    - special event plans,
    - operational plans,
    - storm plans, or
    - other pre-arranged programming,
    - the disclosure of which would reveal:
        - surveillance techniques,
        - personnel deployments,
        - alarm or security systems or technologies, or
        - operational and transportation plans or protocols,
        - to the extent such disclosure would jeopardize the security of any governmental facility, building, or structure or the safety of any person.

SUBDIVISION 2	SUBDIVISION 4	SUBDIVISION 6	SUBDIVISION 14	NOTES
Those portions of engineering and construction drawings and plans	Plans and information to prevent or respond to terrorist activity or cyber-attacks:	• Engineering and architectural drawings, • operational, procedural, tactical planning or training manuals, or • staff meeting minutes or other records,	Those portions of engineering and construction drawings and plans	
1. Submitted for the sole purpose of complying with the Building Code • in obtaining a building permit • that would identify specific trade secrets or other information, • the disclosure of which would be harmful to the competitive position of the				

SUBDIVISION 2	SUBDIVISION 4	SUBDIVISION 6	SUBDIVISION 14	NOTES
owner or lessee. • However, such information shall be exempt only until the building is completed. • Information relating to the safety or environmental soundness of any building shall not be exempt from disclosure.	• Nothing in this subdivision shall be construed to prohibit the disclosure of records relating to the structural or environmental soundness of any building, • Nor shall it prevent the disclosure of information relating to any building in connection with an inquiry into the performance of that building after it has been subjected to fire, explosion, natural			

SUBDIVISION 2	SUBDIVISION 4	SUBDIVISION 6	SUBDIVISION 14	NOTES
	disaster or other catastrophic event			
2. That reveal: • critical structural components, • security equipment and systems, • ventilation systems, • fire protection equipment, • mandatory building emergency equipment or systems, • elevators, • electrical systems, • telecommunications equipment and systems, and • other utility	the disclosure of which would jeopardize the safety of any person, including (i) critical infrastructure sector or structural components; (ii) vulnerability assessments, (iii)operational, procedural, transportation, and tactical planning or training manuals, and (iv)staff meeting minutes or other records; (v) engineering or architectural records, or records containing information derived from such records, • to the extent such records reveal the location or operation of: ○ security equipment and	the disclosure of which would reveal: ○ surveillance techniques, ○ personnel deployments, ○ alarm or security systems or technologies, or ○ operational and transportation plans or protocols, ○ to the extent such disclosure would jeopardize the security of: ▪ any governmental facility, building or structure or	That reveal: ▪ critical structural components, ▪ interconnectivity, ▪ security equipment and systems, ▪ network monitoring, ▪ network operation center, ▪ master sites, ▪ ventilation systems, ▪ fire protection equipment, ▪ mandatory building emergency equipment, ▪ electrical systems, and other utility equipment and ▪ systems related to STARS or any other similar local or regional public safety communications	

SUBDIVISION 2	SUBDIVISION 4	SUBDIVISION 6	SUBDIVISION 14	NOTES
equipment and systems	systems, ○ elevators, ○ ventilation, ○ fire protection, ○ emergency, electrical, telecommunications or utility equipment and ○ systems of any public building, structure or information storage facility, or telecommunications or utility equipment or systems; and • (vi) information not lawfully available to the public regarding specific cybersecurity threats or vulnerabilities or security plans and measures of:	▪ the safety of persons using such facility, building or structure.	system; and ▪ special event plans, ▪ operational plans, ▪ storm plans, or ▪ other pre-arranged programming, ▪ the disclosure of which would reveal: ▪ surveillance techniques, ▪ personnel deployments, ▪ alarm or security systems or technologies, or ▪ operational and transportation plans or protocols, to the extent such disclosure would jeopardize the security of any governmental facility, building, or structure or the safety of any person.	

SUBDIVISION 2	SUBDIVISION 4	SUBDIVISION 6	SUBDIVISION 14	NOTES
	○ an entity, ○ facility, ○ building structure, ○ information technology system, or ○ software program.			
Submitted for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.),				
	The same categories of records of any person or entity submitted to a public body for the purpose of antiterrorism response planning or cybersecurity planning or protection may be		Documentation or other information relating to the Statewide Agencies Radio System (STARS) or any other similar local or regional public safety communications system that • (i) describes the ○ design,	

SUBDIVISION 2	SUBDIVISION 4	SUBDIVISION 6	SUBDIVISION 14	NOTES
	withheld from disclosure if : such person or entity in writing (a) invokes the protections of this subdivision, (b) identifies with specificity the records or portions thereof for which protection is sought, and (c) states with reasonable particularity why the protection of such records from public disclosure is necessary to meet the objective of antiterrorism or cybersecurity planning or protection. Such statement shall be a public record and shall be disclosed upon request.		○ function, ○ programming, ○ operation, or ○ access control features of : ▪ the overall system, ▪ components, ▪ structures, ▪ individual networks, and ▪ subsystems of the STARS or any other similar local or regional communications system or • (ii) relates to radio frequencies assigned to or utilized by STARS or any other similar	

SUBDIVISION 2	SUBDIVISION 4	SUBDIVISION 6	SUBDIVISION 14	NOTES
			local or regional communications system, ○ code plugs, ○ circuit routing, ○ addressing schemes, ○ talk groups, ○ fleet maps, ○ encryption, ○ programming maintained by or utilized by STARS or any other similar local or regional public safety communications system;	