



# VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

## COMMONWEALTH OF VIRGINIA

Senator Mamie E. Locke, Chair  
Delegate Marcus B. Simon, Vice-Chair

Alan Gernhardt, Esq., Executive Director  
Ashley Binns, Esq., Attorney

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**May 18, 2021**

**12:00 PM**

**Virtual Meeting**

[Click here to access the meeting.](#)

[Register to give LIVE Public Comment here.](#)

**PROPOSED AGENDA (Annotated)**

**Records Issues Subcommittee  
of the Virginia Freedom of Information Advisory Council**

- 1. Call to Order, introduction of members.**
- 2. Bills referred by the 2021 Session of the General Assembly.** *The following bills were referred to the subcommittee for study, as summarized below.*
  - House Bill 2000 (Roem) Virginia Freedom of Information Act; charges for production of public records.** Prohibits a public body from charging a requester for any costs incurred during the first two hours spent accessing or searching for requested records when such requester has made four or fewer individual records requests to such public body within 31 consecutive days. The bill provides that for 2 any additional time spent accessing or searching for such records, or when such requester makes five or more individual records requests to such public body within any 31-consecutive-day period, the public body shall not charge an hourly rate for accessing or searching for the records exceeding the lesser of the hourly rate of pay of the lowest-paid individual capable of fulfilling the request or \$33 per hour. The bill also requires public bodies to post on their website or otherwise publish a written policy (a) explaining how the public body assesses charges for accessing or searching for requested records and (b) noting the current fee charged, if any, by the public body for accessing and searching for the requested records.

- **HB 2196 (Mullin) Virginia Freedom of Information Act; required release of law-enforcement disciplinary records; exceptions.** Requires the release of law-enforcement disciplinary records related to completed disciplinary investigations. The bill defines "law-enforcement disciplinary records" as any record created in furtherance of a law-enforcement disciplinary proceeding or any other administrative or judicial proceeding, whether such proceeding takes place in the Commonwealth or in another jurisdiction. The bill allows for the redaction of certain personal contact information of the law-enforcement officer, complainant, and witness or their families; social security numbers; and certain medical information of the law-enforcement officer and complainant.

**3. Public Comment.**

**4. Discussion.**

**5. Recommendations.**

**6. Other Business.**

**7. Adjournment.**

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**Subcommittee Members**

**Matthew Conrad  
Pamela O'Berry  
Bruce Potter**

**Cullen Seltzer  
Sandy Treadway  
Amigo Wade**

**Staff**

Alan Gernhardt, Esq., Executive Director  
Ashley Binns, Esq., Attorney