



Virginia Freedom of Information Advisory Council

HB 1880 Subcommittee

November 22, 2023, at 9:00 a.m.

South Subcommittee Room 210, General Assembly Building

foiacouncil.dls.virginia.gov

The HB 1880 Subcommittee (the Subcommittee) of the Virginia Freedom of Information Advisory Council (the Council) met with Delegate Mike A. Cherry, chair, presiding.¹ The meeting began with introductions and opening remarks followed by discussion. Meeting materials, as well as all written public comments, are accessible through the [Council's 2023 Subcommittees webpage](#).

Public Comment

The Subcommittee heard the following public comments before discussing [HB 1880](#) (Bennett-Parker, 2023) requiring localities to retain a public record of certain legal settlements and judgments and requiring the record of such amount to be subject to disclosure if requested pursuant to the Virginia Freedom of Information Act (FOIA):

- Jeff Smith, representing the Virginia Self-Insurers Association and Metis Holdings, opposed HB 1880. Mr. Smith stated that the bill pierces the veil of confidentiality legal parties expect when entering into a civil suit.
- Phyllis Errico, Virginia Association of Counties, also opposed the bill.
- Delegate Bennett-Parker spoke to the bill, emphasizing that it is a public transparency bill focused on how local government funds are being spent. She clarified that the bill only focuses on the amount of a settlement and aims to close loopholes between the self-insured and localities.

Discussion

Subcommittee members discussed the public comments and the research presented to the Subcommittee by Council staff relating to the disclosure of public settlements. Cullen Seltzer stated that he supports the notion of transparency, specifying that it is in the public's interest to know how public dollars are spent and that keeping resolved government disputes confidential has an impact on the public's trust in government. Lola Rodriguez Perkins said that individuals who receive settlements often do not want the amount of such settlements disclosed due to safety or personal reasons. Senator Mamie E. Locke expressed her support of transparency but suggested that the bill be amended to include language requiring that an individual's personal information not be disclosed. Concerns were also expressed that while a public body pays premiums to an insurance carrier, it is the insurance carrier that actually pays the settlement

¹ **Members Present:** Delegate Mike A. Cherry (chair), Senator Mamie E. Locke, Lola Rodriguez Perkins, Cullen Seltzer

Members Absent: None

amount (i.e., the settlement is not directly paid with tax dollars). The Subcommittee members did not come to a resolution and decided not to make a recommendation to the Council.

For more information, see the [Council's website](#) or contact the Division of Legislative Services staff:

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