

2019 FOIA LEGISLATIVE UPDATE

STATUS OF FREEDOM OF INFORMATION AND OTHER ACCESS-RELATED BILLS

I. Introduction

The General Assembly passed a total of 19 bills amending the Virginia Freedom of Information Act (FOIA) during the 2019 Session. Six bills passed the General Assembly that were recommended by the FOIA Council: HB 1772, which allows any officer, employee, or member of a public body to introduce an advisory opinion issued by the Virginia Freedom of Information Advisory Council as evidence against allegations of a willful and knowing violation of FOIA if they acted in good faith reliance on such advisory opinion; HB 2494, which prohibits any state agency from disseminating to federal government authorities information concerning the religious preferences and affiliations of data subjects for the purpose of compiling a list, registry, or database of individuals based on their religious preferences or affiliations, unless specifically required by state or federal law; SB 1101, which allows the Office of the Attorney General to represent a member of the General Assembly in any civil matter alleging that such member in his official capacity violated FOIA; SB 1180, which defines the term "trade secret," for the purposes of FOIA, as meaning the same as that term is defined in the Uniform Trade Secrets Act; SB 1182, which clarifies that certain requirements of current law regarding participation in public meetings through electronic communication means do not apply to meetings held to address a state of emergency declared by the Governor; and SB 1184, which provides that FOIA shall not apply to sexual assault response teams, with the exception of records relating to protocols and policies of the sexual assault response team and guidelines for the community's response established by the sexual assault response team, which shall be public records and subject to the provisions of FOIA.

Nine bills clarify three existing records exemptions and add three new records exemptions in FOIA as follows:

- HB 1650 and SB 1060 clarify that information about an individual winner of the Virginia Lottery whose prize exceeds \$10 million is exempt from disclosure under FOIA unless the winner consents to such disclosure. (§ 2.2-3705.7)
- HB 2546 clarifies that information and records obtained or created by the Maternal Death Review Team (the Team) during a review of any death conducted by the Team shall be confidential and exempt from disclosure under FOIA to the extent that such information is made confidential by § 32.1-283.8. (§ 2.2-3705.5)
- HB 2560 and SB 1224 clarify that information reflecting the substance of meetings in which individual cases of abuse, neglect, or exploitation of adults as defined in § 63.2-1603 are discussed by multidisciplinary teams established pursuant to §§ 15.2-1627.5 and 63.2-1605 are exempt from mandatory disclosure under FOIA. (§ 2.2-3705.7)

- HB 2490 and SB 1617 exclude from the mandatory disclosure provisions of FOIA pertaining to educational records and certain records of educational institutions records provided to the Governor or the designated reviewers by a qualified institution related to a proposed memorandum of understanding, or proposed amendments to a memorandum of understanding, submitted pursuant to Chapter 12.1 (Tech Talent Investment Program) of Title 23.1. The new exemption provides that a memorandum of understanding entered into pursuant to such chapter shall be subject to public disclosure after it is agreed to and signed by the Governor. Adding an exemption in § 2.2-3705.4.
- SB 1106 excludes from the mandatory disclosure provisions of FOIA information discussed in a closed session of the Physical Therapy Compact Commission or the Executive Board or other committees of the Commission for purposes set forth in subsection E of § 54.1-3491. Adding an exemption in § 2.2-3705.7.
- SB 1492 excludes from the mandatory disclosure provisions of FOIA trade secrets, financial information, and research-related information supplied to the Department of Housing and Community Development (the Department) as part of any grant application submitted to the Department pursuant to certain requirements set out in the Code or pursuant to the Virginia Growth and Opportunity Board or the Virginia Telecommunication Initiative as authorized by the appropriation act, if such disclosure would be harmful to the competitive position of the applicant. Adding an exemption in § 2.2-3705.6.

Seven bills clarify three existing meetings exemptions and add two new meetings exemptions in FOIA as follows:

- HB 2178 clarifies that discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1 are exempt from the open meeting requirements of FOIA. (§ 2.2-3711)
- HB 2546 clarifies that portions of meetings in which maternal death cases are discussed by the Maternal Mortality Review Team pursuant to § 32.1-283.8 are exempt from the open meeting requirements of FOIA. (§ 2.2-3711)
- HB 2560 and SB 1224 clarify that discussion or consideration of individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and 63.2-1605 are exempt from the open meeting requirements of FOIA. (§ 2.2-3711)
- HB 1964 and SB 1090 create an exemption from the open meeting requirements of FOIA for discussion or consideration by the Board of Trustees of the Fort Monroe Authority of matters relating to specific gifts, bequests, and grants from private sources. (§ 2.2-3711)
- SB 1126 creates an exemption from the open meeting requirements of FOIA for discussion, consideration, or review of matters by the Virginia Lottery Board related to

investigations exempted from disclosure under subdivision 1 of § 2.2-3705.3. (§ 2.2-3711)

Six bills amend existing provisions or add new provisions to FOIA as follows:

- HB 1772 provides that any officer, employee, or member of a public body alleged to have willfully and knowingly violated FOIA who acted in good faith reliance upon an advisory opinion issued by the Virginia Freedom of Information Advisory Council may introduce such advisory opinion as evidence that the alleged violation was not made willfully and knowingly. Adding § 2.2-3715.
- SB 1180 defines the term "trade secret," for the purposes of FOIA, as meaning the same as that term is defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.). Amending §§ 2.2-3701, 2.2-3705.2, 2.2-3705.6, 2.2-3705.7, and 2.3-3711.
- SB 1182 clarifies that certain requirements of current law regarding participation in public meetings through electronic communication means do not apply to meetings held to address a state of emergency declared by the Governor, specifically the requirements that public bodies (i) adopt a written policy regarding participation by electronic communication, (ii) have a quorum of a public body physically assembled at a primary or central location, and (iii) make arrangements for the voice of any member participating from a remote location to be heard by all persons at the primary or central location. Amending § 2.2-3708.2.
- SB 1184 provides that FOIA shall not apply to sexual assault response teams, with the exception of records relating to (i) protocols and policies of the sexual assault response team and (ii) guidelines for the community's response established by the sexual assault response team, which the bill provides shall be public records and subject to the provisions of FOIA. The bill also provides that FOIA shall not apply to multidisciplinary child sexual abuse response teams. Amending §§ 2.2-3703, 2.2-3705.7, and 2.2-3711.
- SB 1431 requires the Virginia Freedom of Information Advisory Council or the local government attorney to provide, and local elected officials to complete, an online training session on the provisions of FOIA at least once every two years. The legislation also eliminates the three-day notice requirement for an expedited hearing on a petition for mandamus or injunction where violations relating to the open meeting requirements of FOIA are alleged. Adding § 2.2-3704.3 and amending § 2.2-3713.
- SB 1554 provides that in addition to any penalties imposed under FOIA (i) if a court finds that any officer, employee, or member of a public body failed to provide public records to a requester in accordance with the provisions of FOIA because such officer, employee, or member of a public body altered or destroyed the requested public records with the intention of avoiding the provisions of FOIA prior to the expiration of the applicable record retention period set pursuant to the Virginia Public Records Act, the court may impose upon such officer, employee, or member in his individual capacity a civil penalty of up to \$100 per record altered or destroyed and (ii) if a court finds that a

member of a public body voted to certify a closed meeting and at the time of such certification an attorney representing the body was present and such certification was not in accordance with the requirements of FOIA, the court may impose on the public body a civil penalty of up to \$1,000. Amending § 2.2-3714.

Section II of this update presents a brief overview of amendments to FOIA section by section in order to provide context and organization to the numerous bills. Section III presents a brief overview of other access-related legislation passed during the 2019 Session of the General Assembly.

For more specific information on the particulars of each bill, please see the bill itself. Unless otherwise indicated, the changes will become effective July 1, 2019.

II. Amendments to the Virginia Freedom of Information Act

§ 2.2-3701 Definitions.

SB 1180 Virginia Freedom of Information Act; definition of trade secret. Defines the term "trade secret," for the purposes of the Virginia Freedom of Information Act, as meaning the same as that term is defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.). This bill is a recommendation of the Virginia Freedom of Information Advisory Council. (2019 Acts of Assembly, c. 358).

§ 2.2-3703 Public bodies and records to which chapter inapplicable; voter registration and election records; access by persons incarcerated in a state, local, or federal correctional facility.

SB 1184 Virginia Freedom of Information Act; applicability; sexual assault response teams and multidisciplinary child sexual abuse response teams. Provides that the Virginia Freedom of Information Act (FOIA) shall not apply to sexual assault response teams, with the exception of records relating to (i) protocols and policies of the sexual assault response team and (ii) guidelines for the community's response established by the sexual assault response team, which the bill provides shall be public records and subject to the provisions of FOIA. The bill also provides that FOIA shall not apply to multidisciplinary child sexual abuse response teams. This bill is a recommendation of the Freedom of Information Advisory Council. (2019 Acts of Assembly, c. 729).

§ 2.2-3705.2 Exclusions to application of chapter; records relating to public safety.

SB 1180 Virginia Freedom of Information Act; definition of trade secret. *See summary under § 2.2-3701, supra.* (2019 Acts of Assembly, c. 358).

§ 2.2-3705.4 Exclusions to application of chapter; educational records and certain records of educational institutions.

HB 2490 and SB 1617 Tech Talent Investment Program. Creates a grant program to assist qualified public institutions of higher education, defined in the bill, in reaching, by 2039, a goal of increasing by at least 25,000 degrees the number of bachelor's and master's degrees awarded in computer science, computer engineering, and closely related fields, or that otherwise align with traded-sector, technology-focused growth opportunities identified by the Virginia Economic Development Partnership Authority. To be eligible for an annual grant, a qualified institution is required to enter into a memorandum of understanding setting forth specific criteria for eligible degrees, eligible expenses, degree production goals, and graduation rates. Failure to meet criteria would result in the adjustment of future awards. The bill requires qualified institutions that are grant recipients to report annually on progress towards meeting such goals and that grants issued pursuant to the program are subject to appropriation, and for the Secretary of Finance to report annually regarding the progress of each qualified institution in meeting its goals and the amount of grants awarded to such institution. (2019 Acts of Assembly, cc. 638 and 639).

§ 2.2-3705.5 Exclusions to application of chapter; health and social services records.

HB 2546 Maternal Death Review Team established. Establishes the Maternal Death Review Team (the Team) to develop and implement procedures to ensure that maternal deaths occurring in the Commonwealth are analyzed in a systematic way. The bill requires the Team to (i) develop and revise as necessary operating procedures for maternal death reviews, including identification of cases to be reviewed and procedures for coordinating among the agencies and professionals involved; (ii) improve the identification of, and data collection and record keeping related to, causes of maternal deaths; (iii) recommend components of programs to increase awareness and prevention of, and education about, maternal deaths; and (iv) recommend training to improve the review of maternal deaths. The bill also requires the Team to compile triennial statistical data regarding maternal deaths and to make such data available to the Governor and the General Assembly. The bill provides that information and records obtained or created by the Team and portions of meetings of the Team at which individual maternal deaths are discussed shall be confidential. (2019 Acts of Assembly, c. 834).

§ 2.2-3705.6 Exclusions to application of chapter; records of specific public bodies and certain other limited exclusions.

SB 1180 Virginia Freedom of Information Act; definition of trade secret. *See summary under § 2.2-3701, supra.* (2019 Acts of Assembly, c. 358).

SB 1492 FOIA; exclusions; proprietary records and trade secrets; Virginia Telecommunication Initiative. Excludes trade secrets, financial information, and research-related information supplied to the Department of Housing and Community Development (the Department) as part of any grant application submitted to the Department pursuant to certain requirements set out in the Code or pursuant to the Virginia Growth and Opportunity Board or the Virginia Telecommunication Initiative as authorized by the appropriation act from the mandatory disclosure provisions of FOIA, if such disclosure would be harmful to the competitive position of the applicant. The bill provides that in order for such trade secrets, financial information, and research-related information to be excluded, the applicant shall (i) invoke this

exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify with specificity the data or other materials for which protection is sought, and (iii) state the reasons why protection is necessary. The Department is directed to determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or confidential proprietary information of the applicant. (2019 Acts of Assembly, c. 629).

§ 2.2-3705.7 Exclusions to application of chapter; records of specific public bodies and certain other limited exclusions.

HB 1650 and SB 1060 (which incorporates SB 1082) Virginia Lottery Law; disclosure of a lottery winner's identity. Prohibits the Virginia Lottery from disclosing information about individual winners whose prize exceeds \$10 million, and exempts such information from disclosure under the Freedom of Information Act (FOIA), unless the winner consents to disclosure. Under FOIA, disclosure of the winner's name, hometown, and amount won is currently mandatory. (2019 Acts of Assembly, cc. 247 and 163).

HB 2560 and SB 1224 Protective services; adult abuse, neglect, and exploitation; multidisciplinary teams. Authorizes local departments of social services to foster, when practicable, the creation, maintenance, and coordination of hospital and community-based multidisciplinary teams focused on the abuse, neglect, and exploitation of adults 60 years of age or older or 18 years of age or older who are physically or mentally incapacitated. The bill provides that such teams may: (i) assist the local department of social services in identifying abused, neglected, and exploited adults; (ii) coordinate medical, social, and legal services for abused, neglected, and exploited adults and their families; (iii) develop innovative programs for detection and prevention of the abuse, neglect, and exploitation of adults; (iv) promote community awareness and action to address adult abuse, neglect, and exploitation; and (v) disseminate information to the general public regarding the problem of adult abuse, neglect, and exploitation, strategies and methods for preventing such abuse, neglect, and exploitation, and treatment options for abused, neglected, and exploited adults. The bill also allows the attorney for the Commonwealth in each jurisdiction to establish a multidisciplinary adult abuse, neglect, and exploitation response team to review cases of abuse, neglect, and exploitation of adults. Such multidisciplinary team may be established separately or in conjunction with any already existing multidisciplinary team. (2019 Acts of Assembly, cc. 170 and 775).

SB 1180 Virginia Freedom of Information Act; definition of trade secret. *See summary under § 2.2-3701, supra.* (2019 Acts of Assembly, c. 358).

SB 1106 Licensure of physical therapists and physical therapist assistants; Physical Therapy Licensure Compact. Authorizes Virginia to become a signatory to the Physical Therapy Licensure Compact. The Compact permits eligible licensed physical therapists and physical therapist assistants to practice in Compact member states, provided they are licensed in at least one member state. In addition, the bill requires each applicant for licensure in the Commonwealth as a physical therapist or physical therapist assistant to submit fingerprints and provide personal descriptive information in order for the Board to receive a state and federal criminal history record report for each applicant. The bill has a delayed effective date of January 1, 2020, and directs the Board of Physical Therapy to adopt emergency regulations to implement the provisions of the bill. (2019 Acts of Assembly, c. 300).

SB 1184 Virginia Freedom of Information Act; applicability; sexual assault response teams and multidisciplinary child sexual abuse response teams. *See summary under § 2.2-3703, supra.* (2019 Acts of Assembly, c. 729).

§ 2.2-3708.2 Meetings held through electronic communication means.

SB 1182 Virginia Freedom of Information Act; meetings held through electronic communication means. Clarifies that certain requirements of current law regarding participation in public meetings through electronic communication means do not apply to meetings held to address a state of emergency declared by the Governor, specifically the requirements that public bodies (i) adopt a written policy regarding participation by electronic communication, (ii) have a quorum of a public body physically assembled at a primary or central location, and (iii) make arrangements for the voice of any member participating from a remote location to be heard by all persons at the primary or central location. This bill is a recommendation of the Virginia Freedom of Information Advisory Council. (2019 Acts of Assembly, c. 359).

§ 2.2-3711 Closed meetings authorized for certain limited purposes.

HB 1964 and SB 1090 Virginia Freedom of Information Act; meeting exemption for the Fort Monroe Authority. Creates an exemption from the open meeting requirements of the Virginia Freedom of Information Act for discussion or consideration by the Board of Trustees of the Fort Monroe Authority of matters relating to specific gifts, bequests, and grants from private sources. (2019 Acts of Assembly, cc. 4 and 500).

HB 2178 Virginia voter registration system; security plans and procedures; remedying security risks. Directs the State Board of Elections to promulgate regulations and standards necessary to ensure the security and integrity of the Virginia voter registration system and the supporting technologies utilized by the counties and cities to maintain and record registrant information. The local electoral boards are also required to develop and update annually written plans and procedures to ensure the security and integrity of the supporting technologies. The local electoral boards are further required to report annually to the Department of Elections on their security plans and procedures. The bill authorizes the Department of Elections to limit a locality's access to the Virginia voter registration system if it is determined that the county or city has failed to develop security plans and procedures or to comply with the security standards established by the State Board; such access would be limited as necessary to address and resolve any security risks or to enforce compliance. Records describing protocols for maintaining the security of the Virginia voter registration system and the supporting technologies utilized to maintain and record registrant information are exempted from the Freedom of Information Act and meetings to discuss such protocols are permitted to be closed pursuant to the provisions of the Freedom of Information Act. The bill requires the State Board of Elections to convene a work group prior to adopting security standards and to establish a standing advisory group of local government IT professionals and general registrars to assist and consult on updates to security standards. (2019 Acts of Assembly, c. 426).

HB 2546 Maternal Death Review Team established. *See summary under § 2.2-3705.5, supra.* (2019 Acts of Assembly, c. 834).

HB 2560 and SB 1224 Protective services; adult abuse, neglect, and exploitation; multidisciplinary teams. *See summary under § 2.2-3705.7, supra.* (2019 Acts of Assembly, cc. 170 and 775).

SB 1126 Lottery Board; regulation of casino gaming; penalties. Authorizes casino gaming in the Commonwealth to be regulated by the Virginia Lottery Board (the Board). Casino gaming shall be limited to certain cities that meet the criteria that is outlined in the bill, and a referendum must be passed in the city on the question of allowing casino gaming in the city. The bill requires the Joint Legislative Audit and Review Commission (JLARC) to conduct a review of casino gaming laws in other states and report its findings to the Chairmen of the Senate Committee on General Laws and Technology and the House Committee on General Laws on or before December 1, 2019. The bill contains enactment clauses that prohibit (i) any referendum from being held prior to the publication of the JLARC findings and recommendations regarding casino gaming or after January 1, 2021, and (ii) the Board from issuing a license to operate a gaming operation before July 1, 2020. The bill also provides that amendments to the Code of Virginia that are made in the bill will not become effective unless reenacted by the 2020 Session of the General Assembly. (2019 Acts of Assembly, c. 789).

SB 1180 Virginia Freedom of Information Act; definition of trade secret. *See summary under § 2.2-3701, supra.* (2019 Acts of Assembly, c. 358).

SB 1184 Virginia Freedom of Information Act; applicability; sexual assault response teams and multidisciplinary child sexual abuse response teams. *See summary under § 2.2-3703, supra.* (2019 Acts of Assembly, c. 729).

§ 2.2-3713 Proceedings for enforcement of chapter.

SB 1431 Virginia Freedom of Information Act; training requirements; proceedings for enforcement. Requires the Virginia Freedom of Information Advisory Council or the local government attorney to provide, and local elected officials to complete, an online training session on the provisions of the Virginia Freedom of Information Act. The bill requires local elected officials to complete such training at least once every two years while they are in office. The bill also eliminates the three-day notice requirement for an expedited hearing on a petition for mandamus or injunction where violations relating to the open meeting requirements of the Act are alleged. The requirement of the bill for online training for local officials has a delayed effective date of July 1, 2020. (2019 Acts of Assembly, c. 531).

§ 2.2-3714 Violations and penalties.

SB 1554 Virginia Freedom of Information Act (FOIA); civil penalties. Provides that in addition to any penalties imposed under FOIA, (i) if a court finds that any officer, employee, or member of a public body failed to provide public records to a requester in accordance with the provisions of FOIA because such officer, employee, or member of a public body altered or destroyed the requested public records with the intention of avoiding the provisions of FOIA prior to the expiration of the applicable record retention period set pursuant to the Virginia Public Records Act, the court may impose upon such officer, employee, or member in his individual capacity a civil penalty of up to \$100 per record altered or destroyed and (ii) if a court

finds that a member of a public body voted to certify a closed meeting and at the time of such certification an attorney representing the body was present and such certification was not in accordance with the requirements of FOIA, the court may impose on the public body a civil penalty of up to \$1,000. (2019 Acts of Assembly, c. 843).

§ 2.2-3715 Effect of advisory opinions from the Freedom of Information Advisory Council on liability for willful and knowing violations.

HB 1772 Virginia Freedom of Information Advisory Council; advisory opinions; evidence in civil proceeding. Provides that any officer, employee, or member of a public body alleged to have willfully and knowingly violated the Virginia Freedom of Information Act who acted in good faith reliance upon an advisory opinion issued by the Virginia Freedom of Information Advisory Council may introduce such advisory opinion as evidence that the alleged violation was not made willfully and knowingly. The bill contains technical amendments. This bill is a recommendation of the Virginia Freedom of Information Advisory Council. (2019 Acts of Assembly, c. 354).

III. Other Access-Related Legislation

Title 2.2 Administration of Government

HB 1740 Government Data Collection and Dissemination Practices Act; exemptions. Modifies current law to provide that personal information systems related to adult services and adult protective services that are maintained by the Department for Aging and Rehabilitative Services (DARS), rather than the Department of Social Services, are exempt from the Government Data Collection and Dissemination Practices Act. The bill also adds to such exemption DARS personal information systems related to auxiliary grants. (2019 Acts of Assembly, c. 277).

HB 2494 Government Data Collection and Dissemination Practices Act; dissemination of information concerning religious preferences and affiliations. Prohibits any state agency maintaining an information system that includes personal information from disseminating to federal government authorities information concerning the religious preferences and affiliations of data subjects for the purpose of compiling a list, registry, or database of individuals based on religious affiliation, national origin, or ethnicity, unless specifically required by state or federal law. This prohibition applies even if consent is given to disseminate such information to public institutions of higher education, state facilities under Title 37.2 (Behavioral Health and Developmental Services), and juvenile correctional facilities established pursuant to Title 66 (Juvenile Justice) or Chapter 11 (§ 16.1-226 et seq.) of Title 16.1 (Juvenile and Domestic Relations District Courts). As introduced, this bill is a recommendation of the Virginia Freedom of Information Advisory Council. (2019 Acts of Assembly, c. 774).

SB 1101 Office of the Attorney General; representation of members of the General Assembly for violations of the Virginia Freedom of Information Act. Allows the Office of the Attorney General to represent a member of the General Assembly in any civil matter alleging that such member in his official capacity violated the Virginia Freedom of Information Act (§

2.2-3700 et seq.). This bill is a recommendation of the Virginia Freedom of Information Advisory Council. (2019 Acts of Assembly, c., 357).

Title 17.1 Courts of Record

HB 2058 Remote access to land records; fee; exemption for certain state agencies. Exempts the Department of General Services, the Department of Conservation and Recreation, the Department of Forestry, and the Virginia Alcoholic Beverage Control Authority from paying any fee for remote access to land records. The bill also provides that if a clerk of the circuit court who provides secure remote access to land records contracts with an outside vendor to provide such remote access to subscribers, such contract shall contain a provision exempting the Department of General Services, the Department of Conservation and Recreation, the Department of Forestry, and the Virginia Alcoholic Beverage Control Authority from paying any access or subscription fee. The bill further provides that when an agreement for such remote access is made between a state agency and the clerk or an outside vendor, the agreement shall provide that the state agency is required to monitor its employees' activity under such agreement to ensure compliance with its terms. (2019 Acts of Assembly, c. 611).

Title 19.2 Criminal Procedure

HB 2746 Central Criminal Records Exchange; background checks through Live Scan device. Requires the Department of State Police (the Department) to accept requests for background checks through the use of a Live Scan device certified by the Federal Bureau of Investigation by any agency or organization located within the Commonwealth that (i) is a business or organization that provides care to children or the elderly or disabled and is authorized to receive criminal history record information and (ii) utilizes a fingerprint background check as a condition of licensure, certification, employment, or volunteer service. The bill states that any such agency or organization transmitting requests for background checks to the Department shall be responsible for all costs associated with capturing, formatting, encrypting, and transmitting all required information in a manner prescribed by the Department. The bill provides that the Department shall only provide the criminal history record information to the extent authorized by state or federal law, rules, and regulations and that the Department may deny any such agency or organization access to criminal history record information if the Department finds that such agency or organization has failed to comply with state or federal law, rules, or regulations. (2019 Acts of Assembly, c. 620).

HB 2080 Physical evidence recovery kit tracking system. Provides that the Department of Forensic Science (Department) shall maintain a statewide electronic tracking system for physical evidence recovery kits where such kits will be assigned a unique identification number to track each kit from its distribution as an uncollected kit to the health care provider through to its destruction. The bill provides that the Department shall provide access to the tracking system to health care providers, law-enforcement agencies, the Division of Consolidated Laboratory Services, and the Office of the Chief Medical Examiner. The bill also provides that a health care provider shall inform the victim of sexual assault of the unique identification number assigned to the physical evidence recovery kit utilized by the health care provider during the forensic medical examination and provide the victim with information regarding the physical evidence recovery kit tracking system. The bill provides that records entered into the physical evidence

recovery kit tracking system are confidential and are not subject to disclosure under the Freedom of Information Act. The bill has a delayed effective date of July 1, 2020. (2019 Acts of Assembly, c. 473).

Title 22.1 Education

HB 2449 Scholastic records; disclosure of directory information. Provides that a school or institution of higher education may disclose certain directory information of a student to certain internal persons for educational purposes or internal business if the student has not opted out of such disclosure. Under current law, such disclosures require written consent. The bill also provides an exception for state and federal law requirements from the prohibition of such disclosures. (2019 Acts of Assembly, c. 229).

Title 30 General Assembly

SB 1556 Auditor of Public Accounts; Commonwealth Data Point; employee compensation information. Requires that the searchable database containing certain state expenditure information that is maintained by the Auditor of Public Accounts include the number of full-time state employees for whom the annual rate of pay is more than \$10,000, an identifier associated with each such employee, and the salary, bonuses, and total compensation paid during the fiscal year for the employee associated with each identifier. Current law requires that compensation data be connected to an employee's job position. (2019 Acts of Assembly, c. 731).

Title 53.1 Prisons and Other Methods of Correction

HB 2213 Exchange of medical and mental health information and records of person committed to jail; local probation officers. Adds local probation officers to the list of persons among whom the medical and mental health information and records of any person committed to jail, and transferred to another correctional facility, may be exchanged. (2019 Acts of Assembly, c. 702).