

*The Virginia Freedom of Information Advisory Council,
A Living Legacy of Open Government for All Virginians*

Now in its 13th year, the Virginia Freedom of Information Advisory Council is a testament to the foresight, dedication, and legislative acumen of former Delegate Clifton A. "Chip" Woodrum. As we mourn the loss of Chip Woodrum, who died on February 19, 2013, we are heartened by his living legacy of open government to ensure the people's right to know. Acting on his long-held belief that "the access of citizens to information concerning their government and its process is crucial to a free society," Chip Woodrum played the leading role in the revision of Virginia's Freedom in Information Act (FOIA) in 1998 when he introduced and secured passage of House Joint Resolution No. 187, creating a legislative joint subcommittee to study the FOIA. With Woodrum's skillful hand as chairman, the joint subcommittee completed a major overhaul of FOIA that addressed advances in technology (email and other electronic records) and at the same time ensured that the law was written in plain English. The other major piece of legislation from Woodrum's joint subcommittee was the creation of the Virginia Freedom of Information Advisory Council, or FOIA Council as it is now known. As the chief patron of HB 551 (2000) creating the Council, Chip Woodrum and former Senator William T. Bolling, chief patron of SB 340, were the guiding hands behind the establishment of Virginia's "Sunshine Office." Modeled on the New York Committee on Open Government, Virginia's Council at the time of its creation joined the ranks of only six states in the U.S. with a "Sunshine Office." Because of concern that the legislative branch-based Council would be unduly harsh on executive branch agencies, then-Governor Gilmore attached a sunset provision to both bills, making the Council a temporary agency that would cease to exist in 2002. Given the volume of inquiries for advisory opinions, coupled with the frequency of requests for FOIA training in its first year, however, it was apparent that there was a very real need for the Council. As a result, the General Assembly removed the sunset provision and made the Council permanent. Not surprisingly, Chip Woodrum was unanimously elected chairman of the Council. Chip Woodrum's four years of FOIA leadership, marked by his wit, geniality, insight, flexibility, and uncompromising integrity, resulted in changes that will continue to benefit the citizens of Virginia. As an example of his wit, Woodrum once wrote

in an email bemoaning the change in political climate in Virginia: “I could go on, but open records law being what they are, I’d have to kill you.... For reasons of national security, eat this e-mail.”

Has the Council lived up to the promises made in 2000? Let the facts speak for themselves. In 2013, the Council continues to fulfill its role as a clearinghouse for public access issues, having examined 51 bills referred by the General Assembly for additional study and is recognized as the forum for evaluating proposed FOIA and related public access legislation. The Council keeps abreast of trends, developments in judicial decisions, and emerging issues related to FOIA and access generally. Council advisory opinions have been cited in legal briefs submitted to the Supreme Court of Virginia and the United States Supreme Court. The Council has provided more than 17,000 formal and informal advisory opinions to citizens of the Commonwealth, media representatives, and state and local government officials and has conducted approximately 665 FOIA training programs. The Council-implemented annual legislative preview provides a forum for the discussion of proposed FOIA legislation well in advance of the General Assembly Session to facilitate compromise between opposing parties. The Council monitors FOIA to ensure Virginia's commitment to open government while balancing the need to protect the public's negotiating and litigation positions, privacy, and safety. The Council has grappled with myriad issues involving databases, email use and retrieval, social security numbers, concealed handgun permits, secondary publication of public records, public procurement, political caucuses, terrorism prevention, and other public safety measures. The Council also has evaluated the law governing teleconferencing and other meetings by electronic communication means and has recommended relaxation of the rules, thus allowing state and local governmental entities to avail themselves of technology in situations involving personal matters, emergencies, or medical necessity to facilitate public service by persons with disabilities and others on government boards and commissions. All of the Council-initiated legislative recommendations have been enacted by the General Assembly and signed by the Governor into law. As a living legacy of the foresight of Chip Woodrum and others who believed “that the creation of a small, independent office that emphasized the importance of training, the quick resolution of FOIA disputes, and the issuance of nonbinding, advisory opinions was both feasible and desirable ... to assist the citizens of the

Commonwealth in gaining ready access to records in the custody of public officials and free entry to meetings of public bodies wherein public business is being conducted and to assist state and local government officials in meeting their statutory obligations through training, publication of educational materials, and quick responses to questions,” the Council remains open for business. It is a resource for all.

For my friend and mentor,

Maria J.K. Everett