

SENATE BILL NO. \_\_\_\_\_ HOUSE BILL NO. \_\_\_\_\_

1 A BILL to amend and reenact §§ 2.2-3705.6, 2.2-3711, 2.2-3713, 10.1-1458, and 15.2-2103.1 of the  
2 Code of Virginia, relating to the Virginia Freedom of Information Act; general exclusion for  
3 trade secrets submitted to a public body; removal of certain uses of the terms "proprietary" and  
4 "confidential."

5 **Be it enacted by the General Assembly of Virginia:**

6 **1. That §§ 2.2-3705.6, 2.2-3711, 2.2-3713, 10.1-1458, and 15.2-2103.1 of the Code of Virginia are**  
7 **amended and reenacted as follows:**

8 **§ 2.2-3705.6. Exclusions to application of chapter; trade secrets and certain commercial**  
9 **information.**

10 The following information contained in a public record is excluded from the mandatory  
11 disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except  
12 where such disclosure is prohibited by law. Redaction of information excluded under this section from a  
13 public record shall be conducted in accordance with § 2.2-3704.01.

14 1. ~~Proprietary information~~ Information furnished to a public body by a submitting entity that  
15 qualifies as a trade secret of the submitting entity as defined in the Uniform Trade Secrets Act (§ 59.1-  
16 336 et seq.). In order for such trade secret information to be excluded from the provisions of this  
17 subdivision, the submitting entity shall make a written request to the public body (i) invoking such  
18 exclusion upon submission of the trade secret information for which protection from disclosure is  
19 sought, (ii) identifying with specificity the trade secret information for which protection is sought, and  
20 (iii) stating the reasons why protection is necessary.

21 The provisions of this subdivision shall not be construed to authorize the withholding of such  
22 information that no longer meets the definition of a trade secret under the Uniform Trade Secrets Act.

23 1a. Information gathered by or for the Virginia Port Authority as provided in § 62.1-132.4 or  
24 62.1-134.1.

25 2. Financial statements not publicly available filed with applications for industrial development  
26 financings in accordance with Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2.

27 3. ~~Proprietary information, Information~~ voluntarily provided by private business pursuant to a  
28 promise of confidentiality from a public body, used by the public body for business, trade, and tourism  
29 development or retention; and memoranda, working papers, or other information related to businesses  
30 that are considering locating or expanding in Virginia, prepared by a public body, where competition or  
31 bargaining is involved and where disclosure of such information would adversely affect the financial  
32 interest of the public body.

33 4. Information that was filed ~~as confidential~~ under the Toxic Substances Information Act (§ 32.1-  
34 239 et seq.), as such Act existed prior to July 1, 1992.

35 5. Fisheries data that would permit identification of any person or vessel, except when required  
36 by court order as specified in § 28.2-204.

37 6. ~~Confidential financial~~ Financial statements, balance sheets, ~~trade secrets~~, and revenue and cost  
38 projections provided to the Department of Rail and Public Transportation, provided that such  
39 information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce  
40 Act or other laws administered by the Surface Transportation Board or the Federal Railroad  
41 Administration with respect to data provided in confidence to the Surface Transportation Board and the  
42 Federal Railroad Administration.

43 7. ~~Proprietary information~~ Information related to inventory and sales, voluntarily provided by  
44 private energy suppliers to the Department of Mines, Minerals and Energy, used by that Department for  
45 energy contingency planning purposes or for developing consolidated statistical information on energy  
46 supplies.

47 8. ~~Confidential proprietary information~~ Information furnished to the Board of Medical  
48 Assistance Services or the Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§  
49 32.1-331.12 et seq.) of Chapter 10 of Title 32.1.

50 9. ~~Proprietary, commercial~~ Commercial or financial information, balance sheets, ~~trade secrets~~,  
51 and revenue and cost projections provided by a private transportation business to the Virginia

52 Department of Transportation and the Department of Rail and Public Transportation for the purpose of  
53 conducting transportation studies needed to obtain grants or other financial assistance under the  
54 Transportation Equity Act for the 21st Century (P.L. 105-178) for transportation projects if disclosure of  
55 such information is exempt under the federal Freedom of Information Act or the federal Interstate  
56 Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad  
57 Administration with respect to data provided in confidence to the Surface Transportation Board and the  
58 Federal Railroad Administration. However, the exclusion provided by this subdivision shall not apply to  
59 any wholly owned subsidiary of a public body.

60 10. ~~Confidential information~~ Information designated as provided in subsection F of § 2.2-4342 ~~as~~  
61 ~~trade secrets or proprietary information by any person~~ in connection with a procurement transaction or  
62 by any person who has submitted to a public body an application for prequalification to bid on public  
63 construction projects in accordance with subsection B of § 2.2-4317.

64 11. a. Memoranda, staff evaluations, or other information prepared by the responsible public  
65 entity, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of  
66 proposals filed under the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-  
67 Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) where (i) if such  
68 information was made public prior to or after the execution of an interim or a comprehensive agreement,  
69 § 33.2-1820 or 56-575.17 notwithstanding, the financial interest or bargaining position of the public  
70 entity would be adversely affected and (ii) the basis for the determination required in clause (i) is  
71 documented in writing by the responsible public entity; and

72 b. Information provided by a private entity to a responsible public entity, affected jurisdiction, or  
73 affected local jurisdiction pursuant to the provisions of the Public-Private Transportation Act of 1995 (§  
74 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1  
75 et seq.) if disclosure of such information would reveal (i) trade secrets of the private entity as defined in  
76 the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (ii) financial information of the private entity,  
77 including balance sheets and financial statements, that are not generally available to the public through  
78 regulatory disclosure or otherwise; or (iii) other information submitted by the private entity where if

79 such information was made public prior to the execution of an interim agreement or a comprehensive  
80 agreement, the financial interest or bargaining position of the public or private entity would be adversely  
81 affected. In order for the information specified in clauses (i), (ii), and (iii) to be excluded from the  
82 provisions of this chapter, the private entity shall make a written request to the responsible public entity:

83 (1) Invoking such exclusion upon submission of the data or other materials for which protection  
84 from disclosure is sought;

85 (2) Identifying with specificity the data or other materials for which protection is sought; and

86 (3) Stating the reasons why protection is necessary.

87 The responsible public entity shall determine whether the requested exclusion from disclosure is  
88 necessary to protect the trade secrets [under this subdivision](#) or financial information of the private entity.

89 To protect other information submitted by the private entity from disclosure, the responsible public  
90 entity shall determine whether public disclosure prior to the execution of an interim agreement or a  
91 comprehensive agreement would adversely affect the financial interest or bargaining position of the  
92 public or private entity. The responsible public entity shall make a written determination of the nature  
93 and scope of the protection to be afforded by the responsible public entity under this subdivision. Once a  
94 written determination is made by the responsible public entity, the information afforded protection under  
95 this subdivision shall continue to be protected from disclosure when in the possession of any affected  
96 jurisdiction or affected local jurisdiction.

97 Except as specifically provided in subdivision 11 a, nothing in this subdivision shall be construed  
98 to authorize the withholding of (a) procurement records as required by § 33.2-1820 or 56-575.17; (b)  
99 information concerning the terms and conditions of any interim or comprehensive agreement, service  
100 contract, lease, partnership, or any agreement of any kind entered into by the responsible public entity  
101 and the private entity; (c) information concerning the terms and conditions of any financing arrangement  
102 that involves the use of any public funds; or (d) information concerning the performance of any private  
103 entity developing or operating a qualifying transportation facility or a qualifying project.

104 For the purposes of this subdivision, ~~the terms~~ "affected jurisdiction," "affected local  
105 jurisdiction," "comprehensive agreement," "interim agreement," "qualifying project," "qualifying

106 | transportation facility," "responsible public entity," and "private entity" ~~shall~~ mean the same as those  
107 | terms are defined in the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or in the Public-  
108 | Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.).

109 | 12. ~~Confidential proprietary information or trade secrets,~~ Information, not publicly available,  
110 | provided by a private person or entity pursuant to a promise of confidentiality to the Virginia Resources  
111 | Authority or to a fund administered in connection with financial assistance rendered or to be rendered by  
112 | the Virginia Resources Authority where, if such information were made public, the financial interest of  
113 | the private person or entity would be adversely affected.

114 | 13. ~~Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), or~~  
115 | ~~confidential proprietary information~~ Information that is not generally available to the public through  
116 | regulatory disclosure or otherwise, provided by a (i) bidder or applicant for a franchise or (ii) franchisee  
117 | under Chapter 21 (§ 15.2-2100 et seq.) of Title 15.2 to the applicable franchising authority pursuant to a  
118 | promise of confidentiality from the franchising authority, to the extent the information relates to the  
119 | bidder's, applicant's, or franchisee's financial capacity or provision of new services, adoption of new  
120 | technologies or implementation of improvements, where such new services, technologies, or  
121 | improvements have not been implemented by the franchisee on a nonexperimental scale in the franchise  
122 | area; and where, if such information were made public, the competitive advantage or financial interests  
123 | of the franchisee would be adversely affected.

124 | In order for ~~trade secrets or confidential proprietary~~ such information to be excluded from the  
125 | provisions of this chapter, the bidder, applicant, or franchisee shall (a) invoke such exclusion upon  
126 | submission of the data or other materials for which protection from disclosure is sought, (b) identify the  
127 | data or other materials for which protection is sought, and (c) state the reason why protection is  
128 | necessary.

129 | No bidder, applicant, or franchisee may invoke the exclusion provided by this subdivision if the  
130 | bidder, applicant, or franchisee is owned or controlled by a public body or if any representative of the  
131 | applicable franchising authority serves on the management board or as an officer of the bidder,  
132 | applicant, or franchisee.

133 | 14. Information ~~of a proprietary or confidential nature~~ furnished by a supplier or manufacturer of  
134 | charitable gaming supplies to the Department of Agriculture and Consumer Services (i) pursuant to  
135 | subsection E of § 18.2-340.34 and (ii) pursuant to regulations promulgated by the Charitable Gaming  
136 | Board related to approval of electronic and mechanical equipment.

137 | 15. Information related to Virginia apple producer sales provided to the Virginia State Apple  
138 | Board pursuant to § 3.2-1215.

139 | 16. ~~Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) of Title 59.1,~~  
140 | ~~submitted by CMRS providers as defined in § 56-484.12 to the Wireless Carrier E-911 Cost Recovery~~  
141 | ~~Subcommittee created pursuant to § 56-484.15, relating to the provision of wireless E-911 service.~~

142 | ~~17.~~ Information relating to a grant or loan application, or accompanying a grant or loan  
143 | application, to the Innovation and Entrepreneurship Investment Authority pursuant to Article 3 (§ 2.2-  
144 | 2233.1 et seq.) of Chapter 22 of Title 2.2 or to the Commonwealth Health Research Board pursuant to  
145 | Chapter 5.3 (§ 32.1-162.23 et seq.) of Title 32.1 if disclosure of such information would (i) reveal  
146 | ~~proprietary~~ business or research-related information produced or collected by the applicant in the  
147 | conduct of or as a result of study or research on medical, rehabilitative, scientific, technical,  
148 | technological, or scholarly issues, when such information has not been publicly released, published,  
149 | copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant.

150 | ~~18. Confidential proprietary information and trade secrets~~ 17. Information developed and held by  
151 | a local public body (i) providing telecommunication services pursuant to § 56-265.4:4 and (ii) providing  
152 | cable television services pursuant to Article 1.1 (§ 15.2-2108.2 et seq.) of Chapter 21 of Title 15.2 if  
153 | disclosure of such information would be harmful to the competitive position of the locality.

154 | In order for ~~confidential proprietary information or trade secrets~~ such information to be excluded  
155 | from the provisions of this chapter, the locality in writing shall (a) invoke the protections of this  
156 | subdivision, (b) identify with specificity the information for which protection is sought, and (c) state the  
157 | reasons why protection is necessary. However, the exemption provided by this subdivision shall not  
158 | apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

159 | ~~19. Confidential proprietary information and trade secrets~~ 18. Information developed by or for a  
160 | local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1  
161 | et seq.) to provide qualifying communications services as authorized by Article 5.1 (§ 56-484.7:1 et  
162 | seq.) of Chapter 15 of Title 56, where disclosure of such information would be harmful to the  
163 | competitive position of the authority, except that information required to be maintained in accordance  
164 | with § 15.2-2160 shall be released.

165 | ~~20. Trade secrets as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) or financial~~  
166 | 19. Financial information of a business, including balance sheets and financial statements, that are not  
167 | generally available to the public through regulatory disclosure or otherwise, provided to the Department  
168 | of Small Business and Supplier Diversity as part of an application for certification as a small, women-  
169 | owned, or minority-owned business in accordance with Chapter 16.1 (§ 2.2-1603 et seq.). In order for  
170 | such ~~trade secrets or~~ financial information to be excluded from the provisions of this chapter, the  
171 | business shall (i) invoke such exclusion upon submission of the data or other materials for which  
172 | protection from disclosure is sought, (ii) identify the data or other materials for which protection is  
173 | sought, and (iii) state the reasons why protection is necessary.

174 | ~~21. 20. Information of a proprietary or confidential nature~~ disclosed by a carrier to the State  
175 | Health Commissioner pursuant to ~~§§ 32.1-276.5:1 and § 32.1-276.7:1.~~

176 | ~~22. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), including,~~  
177 | ~~but not limited to, financial~~ 21. Financial information, including balance sheets and financial statements,  
178 | that ~~are~~ is not generally available to the public through regulatory disclosure or otherwise, and revenue  
179 | and cost projections supplied by a private or nongovernmental entity to the State Inspector General for  
180 | the purpose of an audit, special investigation, or any study requested by the Office of the State Inspector  
181 | General in accordance with law.

182 | In order for the information specified in this subdivision to be excluded from the provisions of  
183 | this chapter, the private or nongovernmental entity shall make a written request to the State Inspector  
184 | General:

- 185 a. Invoking such exclusion upon submission of the data or other materials for which protection  
186 from disclosure is sought;
- 187 b. Identifying with specificity the data or other materials for which protection is sought; and
- 188 c. Stating the reasons why protection is necessary.

189 The State Inspector General shall determine whether the requested exclusion from disclosure is  
190 necessary to protect the ~~trade secrets or~~ financial information of the private entity. The State Inspector  
191 General shall make a written determination of the nature and scope of the protection to be afforded by it  
192 under this subdivision.

193 ~~23.~~ 22. Information relating to a grant application, or accompanying a grant application,  
194 submitted to the Tobacco Region Revitalization Commission that would (i) reveal (a) ~~trade secrets as~~  
195 ~~defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.),~~ (b) financial information of a grant  
196 applicant that is not a public body, including balance sheets and financial statements, that ~~are~~ is not  
197 generally available to the public through regulatory disclosure or otherwise, or ~~(c)~~ (b) research-related  
198 information produced or collected by the applicant in the conduct of or as a result of study or research  
199 on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information  
200 has not been publicly released, published, copyrighted, or patented, and (ii) be harmful to the  
201 competitive position of the applicant; and memoranda, staff evaluations, or other information prepared  
202 by the Commission or its staff exclusively for the evaluation of grant applications. The exclusion  
203 provided by this subdivision shall apply to grants that are consistent with the powers of and in  
204 furtherance of the performance of the duties of the Commission pursuant to § 3.2-3103.

205 In order for the information specified in this subdivision to be excluded from the provisions of  
206 this chapter, the applicant shall make a written request to the Commission:

- 207 a. Invoking such exclusion upon submission of the data or other materials for which protection  
208 from disclosure is sought;
- 209 b. Identifying with specificity the data, information or other materials for which protection is  
210 sought; and
- 211 c. Stating the reasons why protection is necessary.

212 The Commission shall determine whether the requested exclusion from disclosure is necessary to  
213 protect the ~~trade secrets~~, financial information, or research-related information of the applicant. The  
214 Commission shall make a written determination of the nature and scope of the protection to be afforded  
215 by it under this subdivision.

216 ~~24-23.~~ a. Information held by the Commercial Space Flight Authority relating to rate structures  
217 or charges for the use of projects of, the sale of products of, or services rendered by the Authority if  
218 disclosure of such information would adversely affect the financial interest or bargaining position of the  
219 Authority or a private entity providing the information to the Authority; or

220 b. Information provided by a private entity to the Commercial Space Flight Authority if  
221 disclosure of such information would (i) reveal (a) ~~trade secrets of the private entity as defined in the~~  
222 ~~Uniform Trade Secrets Act (§ 59.1-336 et seq.); (b)~~ financial information of the private entity, including  
223 balance sheets and financial statements, that ~~are~~ is not generally available to the public through  
224 regulatory disclosure or otherwise; or ~~(c)~~ (b) other information submitted by the private entity and (ii)  
225 adversely affect the financial interest or bargaining position of the Authority or private entity.

226 In order for the information specified in clauses (a), and (b), ~~and (c)~~ of this subdivision ~~24 b~~ to be  
227 excluded from the provisions of this chapter, the private entity shall make a written request to the  
228 Authority:

229 (1) Invoking such exclusion upon submission of the data or other materials for which protection  
230 from disclosure is sought;

231 (2) Identifying with specificity the data or other materials for which protection is sought; and

232 (3) Stating the reasons why protection is necessary.

233 The Authority shall determine whether the requested exclusion from disclosure is necessary to  
234 protect the ~~trade secrets or~~ financial information of the private entity. To protect other information  
235 submitted by the private entity from disclosure, the Authority shall determine whether public disclosure  
236 would adversely affect the financial interest or bargaining position of the Authority or private entity. The  
237 Authority shall make a written determination of the nature and scope of the protection to be afforded by  
238 it under this subdivision.

239 ~~25-24.~~ Information ~~of a proprietary nature~~ furnished by an agricultural landowner or operator to  
240 the Department of Conservation and Recreation, the Department of Environmental Quality, the  
241 Department of Agriculture and Consumer Services, or any political subdivision, agency, or board of the  
242 Commonwealth pursuant to §§ 10.1-104.7, 10.1-104.8, and 10.1-104.9, other than when required as part  
243 of a state or federal regulatory enforcement action.

244 ~~26. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided to~~  
245 ~~the Department of Environmental Quality pursuant to the provisions of § 10.1-1458. In order for such~~  
246 ~~trade secrets to be excluded from the provisions of this chapter, the submitting party shall (i) invoke this~~  
247 ~~exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii)~~  
248 ~~identify the data or materials for which protection is sought, and (iii) state the reasons why protection is~~  
249 ~~necessary.~~

250 ~~27-25.~~ Information ~~of a proprietary nature~~ furnished by a licensed public-use airport to the  
251 Department of Aviation for funding from programs administered by the Department of Aviation or the  
252 Virginia Aviation Board, where if such information was made public, the financial interest of the public-  
253 use airport would be adversely affected.

254 In order for the information specified in this subdivision to be excluded from the provisions of  
255 this chapter, the public-use airport shall make a written request to the Department of Aviation:

- 256 a. Invoking such exclusion upon submission of the data or other materials for which protection  
257 from disclosure is sought;
- 258 b. Identifying with specificity the data or other materials for which protection is sought; and
- 259 c. Stating the reasons why protection is necessary.

260 ~~28-26.~~ Information relating to a grant or loan application, or accompanying a grant or loan  
261 application, submitted to the Virginia Research Investment Committee established pursuant to Article 8  
262 (§ 23.1-3130 et seq.) of Chapter 31 of Title 23.1, to the extent that such records would (i) reveal (a) ~~trade~~  
263 ~~secrets as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (b)~~ financial information of a  
264 party to a grant or loan application that is not a public body, including balance sheets and financial  
265 statements, that ~~are is~~ not generally available to the public through regulatory disclosure or otherwise; or

266 | ~~(e)(b)~~ research-related information produced or collected by a party to the application in the conduct of  
267 | or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or  
268 | scholarly issues, when such information has not been publicly released, published, copyrighted, or  
269 | patented, and (ii) be harmful to the competitive position of a party to a grant or loan application; and  
270 | memoranda, staff evaluations, or other information prepared by the Committee or its staff, or a  
271 | reviewing entity pursuant to subsection D of § 23.1-3133, exclusively for the evaluation of grant or loan  
272 | applications, including any scoring or prioritization documents prepared for and forwarded to the  
273 | Committee pursuant to subsection D of § 23.1-3133.

274 | In order for the information submitted by the applicant and specified in this subdivision to be  
275 | excluded from the provisions of this chapter, the applicant shall make a written request to the  
276 | Committee:

- 277 | a. Invoking such exclusion upon submission of the data or other materials for which protection  
278 | from disclosure is sought;
- 279 | b. Identifying with specificity the data, information, or other materials for which protection is  
280 | sought; and
- 281 | c. Stating the reasons why protection is necessary.

282 | The Virginia Research Investment Committee shall determine whether the requested exclusion  
283 | from disclosure is necessary to protect the ~~trade secrets~~, financial information, or research-related  
284 | information of the party to the application. The Committee shall make a written determination of the  
285 | nature and scope of the protection to be afforded by it under this subdivision.

286 | ~~29. Proprietary information, 27. Information~~ voluntarily provided by a private business pursuant  
287 | to a promise of confidentiality from a public body, and which is used by the public body for a solar  
288 | services agreement, where disclosure of such information would (i) reveal (a) ~~trade secrets of the private~~  
289 | ~~business as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (b)~~ financial information of  
290 | the private business, including balance sheets and financial statements, that are is not generally available  
291 | to the public through regulatory disclosure or otherwise; or ~~(e)(b)~~ other information submitted by the

292 private business and (ii) adversely affect the financial interest or bargaining position of the public body  
293 or private business.

294 In order for the information specified in clauses (i) ~~(a), and (b), and (c)~~ to be excluded from the  
295 provisions of this chapter, the private business shall make a written request to the public body:

296 a. Invoking such exclusion upon submission of the data or other materials for which protection  
297 from disclosure is sought;

298 b. Identifying with specificity the data or other materials for which protection is sought; and

299 c. Stating the reasons why protection is necessary.

300 ~~30-28.~~ Information contained in engineering and construction drawings and plans submitted for  
301 the sole purpose of complying with the Building Code in obtaining a building permit if disclosure of  
302 such information would identify ~~specific trade secrets or other~~ information that would be harmful to the  
303 competitive position of the owner or lessee. However, such information shall be exempt only until the  
304 building is completed. Information relating to the safety or environmental soundness of any building  
305 shall not be exempt from disclosure.

306 **§ 2.2-3711. Closed meetings authorized for certain limited purposes.**

307 A. Public bodies may hold closed meetings only for the following purposes:

308 1. Discussion, consideration, or interviews of prospective candidates for employment;  
309 assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of  
310 specific public officers, appointees, or employees of any public body; and evaluation of performance of  
311 departments or schools of public institutions of higher education where such evaluation will necessarily  
312 involve discussion of the performance of specific individuals. Any teacher shall be permitted to be  
313 present during a closed meeting in which there is a discussion or consideration of a disciplinary matter  
314 that involves the teacher and some student and the student involved in the matter is present, provided the  
315 teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing  
316 in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body  
317 or an elected school board to discuss compensation matters that affect the membership of such body or  
318 board collectively.

319           2. Discussion or consideration of admission or disciplinary matters or any other matters that  
320 would involve the disclosure of information contained in a scholastic record concerning any student of  
321 any public institution of higher education in the Commonwealth or any state school system. However,  
322 any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians  
323 shall be permitted to be present during the taking of testimony or presentation of evidence at a closed  
324 meeting, if such student, parents, or guardians so request in writing and such request is submitted to the  
325 presiding officer of the appropriate board.

326           3. Discussion or consideration of the acquisition of real property for a public purpose, or of the  
327 disposition of publicly held real property, where discussion in an open meeting would adversely affect  
328 the bargaining position or negotiating strategy of the public body.

329           4. The protection of the privacy of individuals in personal matters not related to public business.

330           5. Discussion concerning a prospective business or industry or the expansion of an existing  
331 business or industry where no previous announcement has been made of the business' or industry's  
332 interest in locating or expanding its facilities in the community.

333           6. Discussion or consideration of the investment of public funds where competition or bargaining  
334 is involved, where, if made public initially, the financial interest of the governmental unit would be  
335 adversely affected.

336           7. Consultation with legal counsel and briefings by staff members or consultants pertaining to  
337 actual or probable litigation, where such consultation or briefing in open meeting would adversely affect  
338 the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable  
339 litigation" means litigation that has been specifically threatened or on which the public body or its legal  
340 counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in  
341 this subdivision shall be construed to permit the closure of a meeting merely because an attorney  
342 representing the public body is in attendance or is consulted on a matter.

343           8. Consultation with legal counsel employed or retained by a public body regarding specific legal  
344 matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be

345 construed to permit the closure of a meeting merely because an attorney representing the public body is  
346 in attendance or is consulted on a matter.

347 9. Discussion or consideration by governing boards of public institutions of higher education of  
348 matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or  
349 work to be performed by such institution. However, the terms and conditions of any such gifts, bequests,  
350 grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and  
351 accepted by a public institution of higher education in the Commonwealth shall be subject to public  
352 disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision,  
353 (i) "foreign government" means any government other than the United States government or the  
354 government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity  
355 (a) created under the laws of the United States or of any state thereof if a majority of the ownership of  
356 the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the  
357 membership of any such entity is composed of foreign persons or foreign legal entities or (b) created  
358 under the laws of a foreign government, and (iii) "foreign person" means any individual who is not a  
359 citizen or national of the United States or a trust territory or protectorate thereof.

360 10 Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts,  
361 the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, and The Science  
362 Museum of Virginia of matters relating to specific gifts, bequests, and grants from private sources.

363 11. Discussion or consideration of honorary degrees or special awards.

364 12. Discussion or consideration of tests, examinations, or other information used, administered,  
365 or prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

366 13. Discussion, consideration, or review by the appropriate House or Senate committees of  
367 possible disciplinary action against a member arising out of the possible inadequacy of the disclosure  
368 statement filed by the member, provided the member may request in writing that the committee meeting  
369 not be conducted in a closed meeting.

370 14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement  
371 or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the

372 governing body in open meeting finds that an open meeting will have an adverse effect upon the  
373 negotiating position of the governing body or the establishment of the terms, conditions and provisions  
374 of the siting agreement, or both. All discussions with the applicant or its representatives may be  
375 conducted in a closed meeting.

376 15. Discussion by the Governor and any economic advisory board reviewing forecasts of  
377 economic activity and estimating general and nongeneral fund revenues.

378 16. Discussion or consideration of medical and mental health records subject to the exclusion in  
379 subdivision 1 of § 2.2-3705.5.

380 17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant  
381 to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent;  
382 and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game  
383 information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3  
384 and subdivision 11 of § 2.2-3705.7.

385 18. Those portions of meetings in which the Board of Corrections discusses or discloses the  
386 identity of, or information tending to identify, any prisoner who (i) provides information about crimes or  
387 criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the  
388 apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders  
389 other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

390 19. Discussion of plans to protect public safety as it relates to terrorist activity or specific  
391 cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-  
392 enforcement or emergency service officials concerning actions taken to respond to such matters or a  
393 related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14  
394 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the  
395 security of any facility, building, structure, information technology system, or software program; or  
396 discussion of reports or plans related to the security of any governmental facility, building or structure,  
397 or the safety of persons using such facility, building or structure.

398           20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-  
399 124.30, or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or  
400 board of trustees of a trust established by one or more local public bodies to invest funds for  
401 postemployment benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of  
402 Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to §  
403 23.1-2210, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23.1-706,  
404 regarding the acquisition, holding or disposition of a security or other ownership interest in an entity,  
405 where such security or ownership interest is not traded on a governmentally regulated securities  
406 exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the board of  
407 visitors of the University of Virginia, prepared by the retirement system, or a local finance board or  
408 board of trustees, or the Virginia College Savings Plan or provided to the retirement system a local  
409 finance board or board of trustees, or the Virginia College Savings Plan under a promise of  
410 confidentiality, of the future value of such ownership interest or the future financial performance of the  
411 entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or  
412 disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of  
413 the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be  
414 construed to prevent the disclosure of information relating to the identity of any investment held, the  
415 amount invested or the present value of such investment.

416           21. Those portions of meetings in which individual child death cases are discussed by the State  
417 Child Fatality Review team established pursuant to § 32.1-283.1, those portions of meetings in which  
418 individual child death cases are discussed by a regional or local child fatality review team established  
419 pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by  
420 family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in  
421 which individual adult death cases are discussed by the state Adult Fatality Review Team established  
422 pursuant to § 32.1-283.5, and those portions of meetings in which individual adult death cases are  
423 discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6.

424           22. Those portions of meetings of the board of visitors of the University of Virginia or the  
425 Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings  
426 of any persons to whom management responsibilities for the University of Virginia Medical Center or  
427 Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed  
428 proprietary, business-related information pertaining to the operations of the University of Virginia  
429 Medical Center or Eastern Virginia Medical School, as the case may be, including business development  
430 or marketing strategies and activities with existing or future joint venturers, partners, or other parties  
431 with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case  
432 may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such  
433 information would adversely affect the competitive position of the Medical Center or Eastern Virginia  
434 Medical School, as the case may be.

435           23. Discussion or consideration by the Virginia Commonwealth University Health System  
436 Authority or the board of visitors of Virginia Commonwealth University of any of the following: the  
437 acquisition or disposition by the Authority of real property, equipment, or technology software or  
438 hardware and related goods or services, where disclosure would adversely affect the bargaining position  
439 or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising  
440 activities of, the Authority; grants and contracts for services or work to be performed by the Authority;  
441 marketing or operational strategies plans of the Authority where disclosure of such strategies or plans  
442 would adversely affect the competitive position of the Authority; and members of the Authority's  
443 medical and teaching staffs and qualifications for appointments thereto.

444           24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee  
445 within the Department of Health Professions to the extent such discussions identify any practitioner who  
446 may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

447           25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein  
448 personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees  
449 by or on behalf of individuals who have requested information about, applied for, or entered into prepaid

450 tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title  
451 23.1 is discussed.

452 26. Discussion or consideration, by the Wireless Carrier E-911 Cost Recovery Subcommittee  
453 created pursuant to § 56-484.15, of trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-  
454 336 et seq.), submitted by CMRS providers as defined in § 56-484.12, related to the provision of  
455 wireless E-911 service.

456 27. Those portions of disciplinary proceedings by any regulatory board within the Department of  
457 Professional and Occupational Regulation, Department of Health Professions, or the Board of  
458 Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach  
459 a decision or meetings of health regulatory boards or conference committees of such boards to consider  
460 settlement proposals in pending disciplinary actions or modifications to previously issued board orders  
461 as requested by either of the parties.

462 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of §  
463 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are  
464 defined in § 33.2-1800, or any independent review panel appointed to review information and advise the  
465 responsible public entity concerning such records.

466 29. Discussion of the award of a public contract involving the expenditure of public funds,  
467 including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where  
468 discussion in an open session would adversely affect the bargaining position or negotiating strategy of  
469 the public body.

470 30. Discussion or consideration of grant or loan application information subject to the exclusion  
471 in subdivision ~~17~~ 16 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the  
472 Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment  
473 Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

474 31. Discussion or consideration by the Commitment Review Committee of information subject  
475 to the exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as  
476 sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

477 32. Discussion or consideration of ~~confidential proprietary information and trade~~  
478 ~~secrets~~ information developed and held by a local public body providing certain telecommunication  
479 services or cable television services and subject to the exclusion in subdivision ~~18~~ 17 of § 2.2-3705.6.  
480 However, the exemption provided by this subdivision shall not apply to any authority created pursuant  
481 to the BVU Authority Act (§ 15.2-7200 et seq.).

482 33. Discussion or consideration by a local authority created in accordance with the Virginia  
483 Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of ~~confidential proprietary information and~~  
484 ~~trade secrets~~ information subject to the exclusion in subdivision ~~19~~ 18 of § 2.2-3705.6.

485 34. Discussion or consideration by the State Board of Elections or local electoral boards of  
486 voting security matters made confidential pursuant to § 24.2-625.1.

487 35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory  
488 Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal  
489 investigative files subject to the exclusion in subdivision A 2 a of § 2.2-3706.

490 36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of  
491 information or confidential matters subject to the exclusion in subdivision 3 of § 2.2-3705.4, and  
492 meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and  
493 consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or  
494 recover scholarship awards.

495 37. Discussion or consideration by the Virginia Port Authority of information subject to the  
496 exclusion in subdivision ~~1~~ 1a of § 2.2-3705.6 related to certain ~~proprietary~~ information gathered by or  
497 for the Virginia Port Authority.

498 38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System  
499 acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-  
500 124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia  
501 College Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's  
502 Investment Advisory Committee appointed pursuant to § 23.1-702 of information subject to the  
503 exclusion in subdivision 24 of § 2.2-3705.7.

504 39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-  
505 3705.6 related to economic development.

506 40. Discussion or consideration by the Board of Education of information relating to the denial,  
507 suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

508 41. Those portions of meetings of the Virginia Military Advisory Council or any commission  
509 created by executive order for the purpose of studying and making recommendations regarding  
510 preventing closure or realignment of federal military and national security installations and facilities  
511 located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs  
512 organization appointed by a local governing body, during which there is discussion of information  
513 subject to the exclusion in subdivision 8 of § 2.2-3705.2.

514 42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of  
515 information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable  
516 information of donors.

517 43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of  
518 information subject to the exclusion in subdivision ~~23~~ 22 of § 2.2-3705.6 related to certain information  
519 contained in grant applications.

520 44. Discussion or consideration by the board of directors of the Commercial Space Flight  
521 Authority of information subject to the exclusion in subdivision ~~24~~ 23 of § 2.2-3705.6 related to rate  
522 structures or charges for the use of projects of, the sale of products of, or services rendered by the  
523 Authority and certain ~~proprietary~~ information of a private entity provided to the Authority.

524 45. Discussion or consideration of ~~personal and proprietary~~ information related to the resource  
525 management plan program and subject to the exclusion in (i) subdivision ~~25~~ 24 of § 2.2-3705.6 or (ii)  
526 subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records  
527 that contain information that has been certified for release by the person who is the subject of the  
528 information or transformed into a statistical or aggregate form that does not allow identification of the  
529 person who supplied, or is the subject of, the information.

530 46. (Effective January 15, 2018) Discussion or consideration by the Board of Directors of the  
531 Virginia Alcoholic Beverage Control Authority of information subject to the exclusion in subdivision 1  
532 of § 2.2-3705.3 related to investigations of applicants for licenses and permits and of licensees and  
533 permittees.

534 47. Discussion or consideration of grant or loan application records subject to the exclusion in  
535 subdivision ~~28~~ 26 of § 2.2-3705.6 related to the submission of an application for an award from the  
536 Virginia Research Investment Fund pursuant to Article 8 (§ 23.1-3130 et seq.) of Chapter 31 of Title  
537 23.1 or interviews of parties to an application by a reviewing entity pursuant to subsection D of § 23.1-  
538 3133 or by the Virginia Research Investment Committee.

539 48. Discussion or development of grant proposals by a regional council established pursuant to  
540 Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth  
541 and Opportunity Board.

542 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault team  
543 established pursuant to § 15.2-1627.4 or (ii) individual child abuse or neglect cases or sex offenses  
544 involving a child by a child abuse team established pursuant to § 15.2-1627.5.

545 50. Discussion or consideration by the Board of the Virginia Economic Development Partnership  
546 Authority, or any subcommittee thereof, of the portions of the strategic plan, marketing plan, or  
547 operational plan exempt from disclosure pursuant to subdivision 33 of § 2.2-3705.7.

548 51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic  
549 Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and  
550 discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of  
551 § 60.2-114.

552 B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a  
553 closed meeting shall become effective unless the public body, following the meeting, reconvenes in  
554 open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract,  
555 regulation, or motion that shall have its substance reasonably identified in the open meeting.

556 C. Public officers improperly selected due to the failure of the public body to comply with the  
557 other provisions of this section shall be de facto officers and, as such, their official actions are valid until  
558 they obtain notice of the legal defect in their election.

559 D. Nothing in this section shall be construed to prevent the holding of conferences between two  
560 or more public bodies, or their representatives, but these conferences shall be subject to the same  
561 procedures for holding closed meetings as are applicable to any other public body.

562 E. This section shall not be construed to (i) require the disclosure of any contract between the  
563 Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§  
564 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to  
565 the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered  
566 to issue industrial revenue bonds by general or special law, to identify a business or industry to which  
567 subdivision A 5 applies. However, such business or industry shall be identified as a matter of public  
568 record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such  
569 bonds.

570 **§ 2.2-3713. Proceedings for enforcement of chapter.**

571 A. Any person, including the attorney for the Commonwealth acting in his official or individual  
572 capacity, denied the rights and privileges conferred by this chapter may proceed to enforce such rights  
573 and privileges by filing a petition for mandamus or injunction, supported by an affidavit showing good  
574 cause. Such petition may be brought in the name of the person notwithstanding that a request for public  
575 records was made by the person's attorney in his representative capacity. Venue for the petition shall be  
576 addressed as follows:

577 1. In a case involving a local public body, to the general district court or circuit court of the  
578 county or city from which the public body has been elected or appointed to serve and in which such  
579 rights and privileges were so denied;

580 2. In a case involving a regional public body, to the general district or circuit court of the county  
581 or city where the principal business office of such body is located; and

582 3. In a case involving a board, bureau, commission, authority, district, institution, or agency of  
583 the state government, including a public institution of higher education, or a standing or other committee  
584 of the General Assembly, to the general district court or the circuit court of the residence of the  
585 aggrieved party or of the City of Richmond.

586 B. In any action brought before a general district court, a corporate petitioner may appear  
587 through its officer, director or managing agent without the assistance of counsel, notwithstanding any  
588 provision of law or Rule of the Supreme Court of Virginia to the contrary.

589 C. Notwithstanding the provisions of § 8.01-644, the petition for mandamus or injunction shall  
590 be heard within seven days of the date when the same is made, provided the party against whom the  
591 petition is brought has received a copy of the petition at least three working days prior to filing. The  
592 hearing on any petition made outside of the regular terms of the circuit court of a locality that is included  
593 in a judicial circuit with another locality or localities shall be given precedence on the docket of such  
594 court over all cases that are not otherwise given precedence by law.

595 D. The petition shall allege with reasonable specificity the circumstances of the denial of the  
596 rights and privileges conferred by this chapter. A single instance of denial of the rights and privileges  
597 conferred by this chapter shall be sufficient to invoke the remedies granted herein. If the court finds the  
598 denial to be in violation of the provisions of this chapter, the petitioner shall be entitled to recover  
599 reasonable costs, including costs and reasonable fees for expert witnesses, and attorneys' fees from the  
600 public body if the petitioner substantially prevails on the merits of the case, unless special circumstances  
601 would make an award unjust. In making this determination, a court may consider, among other things,  
602 the reliance of a public body on an opinion of the Attorney General or a decision of a court that  
603 substantially supports the public body's position.

604 E. If a public body withholds trade secret information pursuant to subdivision 1 of § 2.2-3705.6  
605 and the requester brings an action under this chapter to challenge such withholding, the requester may  
606 name the submitting entity or its successor in interest as an additional defendant in the action.  
607 Additionally, upon request of the public body, the court, by order pursuant to the provisions of § 8.01-7,  
608 may add the submitting entity as an additional defendant in the action. If, as a result of the action, the

609 court requires the public body to produce such information because it is not a trade secret as defined in  
610 the Uniform Trade Secrets Act (§ 59.1-336 et seq.), any award of reasonable costs and attorney fees to  
611 the requester pursuant to the provisions of this subsection shall be paid by the submitting entity or the  
612 public body, or both, in the proportion deemed appropriate by the court.

613 F. In any action to enforce the provisions of this chapter, the public body shall bear the burden of  
614 proof to establish an exclusion by a preponderance of the evidence. No court shall be required to accord  
615 any weight to the determination of a public body as to whether an exclusion applies. Any failure by a  
616 public body to follow the procedures established by this chapter shall be presumed to be a violation of  
617 this chapter.

618 F.G. Failure by any person to request and receive notice of the time and place of meetings as  
619 provided in § 2.2-3707 shall not preclude any person from enforcing his rights and privileges conferred  
620 by this chapter.

621 **§ 10.1-1458. Persons to provide plans, specifications, and information.**

622 Every person the Department has reason to believe is generating, storing, transporting, disposing  
623 of, or treating waste shall, on request of the Department, furnish such plans, specifications, and  
624 information as the Department may require in the discharge of its duties under this chapter. Trade secret  
625 information included within any plans, specifications, or information submitted pursuant to this section  
626 shall be excluded from the provisions of the Virginia Freedom of Information Act as provided in  
627 subdivision ~~26~~ 1 of § 2.2-3705.6. At all times, the Department may disclose such trade secret  
628 information to the appropriate officials of the Environmental Protection Agency pursuant to the  
629 requirements of the federal Solid Waste Disposal Act, 42 U.S.C. § 3251, et seq., or as otherwise required  
630 by law.

631 **§ 15.2-2103.1. Solar services agreements; nondisclosure of proprietary information.**

632 A. A solar services agreement may be structured as a service agreement or may be subject to  
633 available appropriation.

634 B. Nothing in this article shall be construed to require the disclosure of proprietary information  
635 voluntarily provided by a private entity in connection with a franchise, lease, or use under a solar

636 | services agreement that is excluded from mandatory disclosure pursuant to subdivision ~~29~~ [27](#) of § 2.2-  
637 3705.6 of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

638 C. Nothing in this section, however, shall be construed as authorizing the withholding of the  
639 financial terms of such agreements.

640 #