



Date: April 27, 2021
To: Virginia Freedom of Information Act (FOIA) Advisory Council
From: Virginia Press Association
Re: VPA comments on FOIA Advisory Council agenda items

The Virginia Press Association (VPA) appreciates the opportunity to provide the following comments on the matters before the FOIA Advisory Council at its April 28, 2021 meeting.

HB 1997 (Murphy) Virginia Freedom of Information Act; definition of "meeting." – OPPOSE

The Virginia Press Association remains opposed to HB 1997, with which the Virginia Coalition for Open Government (VCOG) and the Virginia Association of Broadcasters also expressed strong concerns during the 2021 General Assembly session. This bill would significantly and unnecessarily decrease access to government deliberations to the public and press. Many elected, governing, or other public bodies throughout the Commonwealth commonly consist of as few of 5 members. This bill would close off meetings of nearly the entire body for no constructive purpose, at the serious detriment to public access and open, transparent government.

HB 2000 (Roem) Virginia Freedom of Information Act; charges for production of public records. – SUPPORT FURTHER STUDY

VPA supports an in-depth study of FOIA fees with stakeholders. Please refer to the joint letter from VCOG and VPA for preliminary research. We thank Delegate Roem and Delegate Mullin for initiating this effort and look forward to working with the patron, council, stakeholders, and experts on this complex issue.

HB 2196 (Mullin) Virginia Freedom of Information Act; required release of law-enforcement disciplinary records; exceptions. – SUPPORT

VPA supports HB 2196. This legislation is important for an accountable government that is open to the public and allows for the press to keep local communities informed. We thank Delegate Mullin for sponsoring this bill. VPA also thanks the council for its work on Delegate Hurst's HB 2004, which passed the General Assembly this year and was signed by the Governor. We are grateful for the productive precedent the council established in developing a recommendation on this aspect of FOIA.

State Council of Higher Education for Virginia (SCHEV) HB 2120 Study. HB 2120 (Keam) Public institutions of higher education; governing boards; meetings, input, and disclosures.

VPA supported HB 2120 and thanks Delegate Keam. We respectfully request that the council and SCHEV include VPA, VCOG, and other relevant stakeholders in the development of a minimal uniform standard for providing the public with real-time electronic access to meetings.

As you know, VPA and VCOG were major stakeholders in the development and passage of SB 1297 (McPike), which was endorsed by the council and deals with electronic meetings of public bodies during a declared state of emergency. We also engaged in other legislation related to electronic meetings and compiled a list of recommendations for how the General Assembly should conduct electronic meetings,

which could be instructive for other public bodies. As the two major associations representing open government advocates, we believe our expertise would be informative to SCHEV and the council.

Subcommittees

As the council forms subcommittees to consider these issues, we encourage you to engage stakeholders proactively and allow for robust public comment and deliberation. We stand committed to working with you and providing any expertise and information you require in your studies. VPA will of course also continue to take the opportunity to provide public comment as necessary.

Please contact VPA lobbyist Mark Hickman (mark@commonwealthstrategy.net) with any questions.

Thank you for your consideration and service.

/VPA