



***VIRGINIA FREEDOM OF INFORMATION
ADVISORY COUNCIL***

**Monday, March 19, 2007
1:00 p.m. House Room D
General Assembly Building**

SUGGESTED AGENDA

- 1. Call to Order; introduction of members.**
- 2. Recap of FOIA and Related Access Bills from 2007 Session of General Assembly.**
- 3. Bills referred to Council for study by 2007 Session of General Assembly:¹**
 - Electronic Communication Meetings:**
 1. HB 2293 (McClellan)
 2. HB 2553 (Ebbin)
 3. SB 1271 (Whipple)
 - Protection of Personal Identifying Information:**
 1. HB 2821 (Sickles)
 2. HB 2558 (Brink)
 3. HB 3097 (Cole)/SB 1106 (Chichester)
 4. HB 3118 (Carrico)/SB 883 (Deeds)
 5. HB 3161 (Marshall, D.W.)/SB 1404 (Hanger)
 6. SB 819 (Cuccinelli)
- 4. Appointment of Subcommittees:**
 - Electronic Communication Meetings**

¹ Summaries of each of the bills referenced below appear as Appendix A to this agenda.

- Protection of Personal Identifying Information

5. Other Business.

6. Of Note:

- Latest stats on services rendered by FOIA Council.
- Report on activities during Sunshine Week.

7. Public Comment.

8. Set future meetings.

9. Adjournment.

Council Members

Senator R. Edward Houck, Chair
Roger C. Wiley
John B. Edwards
Nolan T. Yelich
Ralph L. "Bill" Axselle
Mary Yancey Spencer

Delegate H. Morgan Griffith
John Stewart Bryan, III
W. Wat Hopkins
E.M. Miller, Jr.
Craig T. Fifer
Courtney M. Malveaux

Staff

Maria J.K. Everett, Executive Director
Alan Gernhardt, Staff Attorney

The FOIA Council's web site is: <http://dls.state.va.us/foiacouncil.htm>. To assist us in providing Internet dissemination of materials, presenters are requested to submit written comments and handouts in electronic format by (i) e-mail to staff prior to meetings or (ii) diskette furnished to staff at meetings. Presenters are also requested to bring 20 copies of their remarks or handouts to meetings. These copies will be provided to FOIA Council members and the public.
E-mail: foiacouncil@leg.state.va.us.

***BILLS REFERRED TO COUNCIL FOR STUDY
BY 2007 SESSION OF GENERAL ASSEMBLY***

A. Electronic Meetings:

1. HB 2293

Patrons: McClellan, Armstrong, Bulova, Eisenberg, Englin, Hall, Jones, D.C., Lewis, McEachin and O'Bannon; Senator: Marsh

Freedom of Information Act; electronic communication meetings; electronic communication meetings by local governing bodies. Allows a local governing body, school board, or any subcommittee thereof to meet by electronic communication means provided (i) no purpose of the meeting is to take action on any matter before the governing body, school board, or subcommittee, or to otherwise transact any business of the governing body, school board, or subcommittee; (ii) the meeting is not called or prearranged with any purpose of transacting any business of the local governing body, school board, or subcommittee; and (iii) the local governing body, school board, or subcommittee otherwise complies with the electronic communication meetings law.

2. HB 2553

Patrons: Ebbin and Eisenberg

Freedom of Information Act; electronic communication meetings by local governing bodies; declaration of local state of emergency. Allows a local governing body to meet by electronic communication means when a local state of emergency has been declared in accordance with § 44-146.21 provided (i) the meeting is necessary to take action to address the emergency, (ii) notice, reasonable under the circumstances, of the emergency meeting shall be given contemporaneously with the notice provided members of the local governing body conducting the meeting, (iii) the local governing body makes arrangements for public participation, and (iv) the local governing body otherwise complies with the requirements for electronic communication meetings.

3. SB 1271

Patron: Whipple

Freedom of Information Act; electronic communication meetings. Eliminates the requirement that a quorum of a state public body be physically assembled in one primary location in order for the public body to conduct a meeting through electronic communications means (i.e., teleconference). Instead of the quorum, the bill provides that at least two members of the public body be physically assembled at one location. The remainder of the members may teleconference.

B. Protection of Personal Identifying Information

1. HB 2821

Patrons: Sickles and Nutter

Freedom of Information Act; records containing social security numbers. Exempts from the mandatory disclosure requirements of the Freedom of Information Act those portions of records containing an individual's social security number; except that access shall not be denied to the person who is the subject thereof. Any person who is the subject of any such record and who is 18 years of age or older may waive, in writing, these protections. If the protections are so waived, the public body shall open such records for inspection and copying.

2. HB 2558

Patron: Brink

Freedom of Information Act; certain information in rabies vaccination certificates. Exempts the identification of breed of a vaccinated animal and any personal identifying information relating to the animal owner that is not made a part of an animal license application from the mandatory disclosure provisions of the Freedom of Information Act.

3. HB 3097 /SB 1106

Patrons: Cole, Crockett-Stark, Lingamfelter and Sickles / Patrons: Chichester; Delegate: Howell, W.J.

Freedom of Information Act (FOIA); personal information in constituent correspondence. Provides an exemption for the name, physical address, telephone number, e-mail address, social security number, and bank or other financial account information contained in correspondence to and from an individual and a member of a local governing

body, school board or other local public body in which the individual is a resident, unless the correspondence relates to a public matter before such public body. The bill also provides, however, that no record, which is otherwise open to inspection under FOIA, shall be deemed exempt by virtue of the fact that it has been attached to or incorporated within any such correspondence.

4. HB 3118/SB 883

Patrons: Carrico and Lingamfelter / Patrons: Deeds; Delegate: Sickles

Freedom of Information Act; exemption for certain records of the Department of Game and Inland Fisheries. Grants a record exemption for personal information concerning individual applicants for or holders of any hunting, fishing, boating, or trapping license issued by an agent of the Department of Game and Inland Fisheries, including social security or other identification numbers appearing on a driver's license or other form of identification, credit card or bank account data, home address, phone number, and date of birth, provided the individual has requested in writing that the Department not release such information

5. HB 3161/SB 1404

Patrons: Marshall, D.W., Landes and Saxman / Patron: Hanger

Freedom of Information Act; exemption for complainant information. Provides that certain personal identifying information of a complainant with respect to an investigation of a violation of a local ordinance may be withheld. Currently, such information may only be withheld with respect to an investigation of an individual zoning enforcement complaint.

6. SB 819

Patrons: Cuccinelli, Deeds, Devolites Davis and Ticer; Delegates: Albo, Bulova, Callahan, Dudley, Ebbin, Plum, Rust and Sickles

Freedom of Information Act; records containing social security numbers and other personally identifying information. Exempts from the mandatory disclosure requirements of the Freedom of Information Act those portions of records containing personal information concerning an identifiable individual, including date of birth, social security number, driver's license number, bank account numbers, credit or debit card numbers, personal identification numbers, electronic identification codes, automated or electronic

signatures, biometric data, or fingerprints; except that access shall not be denied to the person who is the subject thereof. Any person who is the subject of any such record and who is 18 years of age or older may waive, in writing, these protections. If the protections are so waived, the public body shall open such records for inspection and copying.

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