



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

Senator R. Edward Houck, Chair

Maria J.K. Everett, Esq., Executive Director and Senior Attorney  
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May 3, 2011



***VIRGINIA FREEDOM OF INFORMATION  
ADVISORY COUNCIL***  
**Tuesday, May 3, 2011 - 1:30 p.m.**  
**House Room D, General Assembly Building**

**SUGGESTED AGENDA**  
***\*ANNOTATED\****

- 1. Call to Order; and Introduction of members.**
- 2. Welcome to newest Council member--James Schliessmann, OAG Designee.**
- 3. Recap of FOIA and Related Access Bills from 2011 Session of General Assembly.**
- 4. Bills referred to Council for study by 2011 Session of General Assembly:<sup>1</sup>**
  1. HB 1722 (Marshall, R.G)--FOIA; designation of records; penalties for certain violations.
  2. SB 812 (Martin)--FOIA; access to salary information.

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

3. SB 1467 (Edwards)--FOIA; disclosure of criminal investigative records.
4. HB 1935 (Ware, O.) -Legal notices; use of websites, radio, and television, etc.

**5. Appointment of Subcommittees.**

**6. Other Business.**

- Role of FOIA Council - Proactive training for legislative agencies, committees and commissions - Maria J.K. Everett
- Email and public access - Maria J.K. Everett.
- Roger Wiley; FOIA Council term ending July 1, 2011.

**9. Public Comment.**

**10. Set future meetings. (Reminder: Meetings may only be scheduled on Monday, Tuesday, and Wednesday of the first and third full weeks of the month.)**

**11. Adjournment.**

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**Council Members**

**Senator R. Edward Houck, Chair**

**Roger C. Wiley**

**E.M. Miller, Jr.**

**Craig T. Fifer**

**George T. Whitehurst**

**Ed Jones**

**Mary Yancey Spencer**

**Sandra G. Treadway**

**Forrest M. "Frosty" Landon**

**John G. Selph**

**James Schliessmann**

**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@dls.virginia.gov](mailto:foiacouncil@dls.virginia.gov).

## **APPENDIX A**

### ***BILLS REFERRED TO COUNCIL FOR STUDY BY 2011 SESSION OF GENERAL ASSEMBLY***

**1. Freedom of Information Act; designation of records; penalties for certain violations.** Requires that at the time of creation of any public record, the custodian of such records that are subject to FOIA shall designate whether the record is subject to FOIA's mandatory disclosure provisions or otherwise exempt from disclosure. The bill requires that such designation shall appear on the face of the record and be updated by the custodian in a timely manner in the event of any changes. Failure to make the required designation shall, upon receipt of a request for such record, waive any charge authorized under FOIA. The bill also provides that in addition to the civil penalty under FOIA, a public employee found to have committed a willful and knowing violation of FOIA may be subject to other disciplinary action, including suspension, demotion, or termination of public employment. The bill contains technical amendments.

**2. Freedom of Information Act; access to salary information, etc., of public employees.** Allows public access to the records of only the job position, official salary, or rate of pay of, and the allowances or reimbursements for expenses paid to, any officer, official, or employee of a public body. The bill specifically excludes the name of any such officer, official, or employee from disclosure.

**3. Freedom of Information Act; criminal investigative records.** Amends the definition of "criminal investigative file" so that the exemption applies to records relating to active or ongoing investigations or prosecutions.

**4. Legal notices.** Allows localities to meet certain notice requirements by utilizing their web sites, radio or television rather than a newspaper of general circulation.

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