



VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

COMMONWEALTH OF VIRGINIA

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Delegate Luke E. Torian, Vice-Chair

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VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL
Wednesday, May 8, 2019 - 1:00 PM
Senate Room A, Ground Floor
Pocahontas Building

SUGGESTED AGENDA

****ANNOTATED****

- 1. Call to Order, introduction of members.**
- 2. Recap of FOIA and Related Access Bills from 2019 Session of General Assembly.**
- 3. Bills Referred to the FOIA Council:**
 - **HB 2201 (Tyler) State Forester; confidentiality of certain records.** Excludes from the mandatory disclosure provisions of the Virginia Freedom of Information Act certain records of the Department of Forestry (the Department). The records include trade secrets and financial information, reports of criminal violations made to the Department by persons outside the Department, and records of an active administrative investigation.
 - **HB 2386 (Bulova) Public institutions of higher education; information relating to pledges and donations.** Requires public institutions of higher education, when accepting a donation, gift, or similar financial support that is conditioned upon the acceptance of certain terms and conditions by the public institution of higher education, to provide the donor with a written document acknowledging the public institution of higher education's acceptance of such terms and conditions. The bill requires the public institution of higher education to retain a copy of such document and provides that such document shall be subject to the provisions of the

Virginia Freedom of Information Act (FOIA). The bill provides that no discretionary exclusion in FOIA shall apply to protect information relating to the amount, date, purpose, and terms of a pledge or donation made to a public institution of higher education. The bill provides that the identity of the donor shall be protected only if (a) the donor has requested anonymity in connection with or as a condition of making a pledge or donation and (b) the pledge or donation does not impose terms or conditions related to academic decision-making.

- **HJ 628 (Heretick) Study; Virginia Freedom of Information Advisory Council; threat of phishing attacks; report.** Directs the Virginia Freedom of Information Advisory Council (FOIA Council) to study the threat of phishing attacks on citizens and public employees whose contact and private information is legally obtained as a result of a Freedom of Information Act (FOIA) request. The study further directs the FOIA Council to examine the current FOIA provisions and make recommendations on ways to address the threat of phishing attacks on citizens and public employees of the Commonwealth.

4. Assignment of Subcommittees.

5. Discussion.

6. Other Business.

- Electronic communications and social media guide. *Update.*
- FOIA officers annual training and reporting requirements.
- Training for local government officials pursuant to SB 1431.

SB 1431 (Obenshain) Virginia Freedom of Information Act; training requirements; proceedings for enforcement. Requires the Virginia Freedom of Information Advisory Council to provide, and local elected officials to complete, an online training session on the provisions of the Virginia Freedom of Information Act. The bill requires local elected officials to complete such training at least once every two years while they are in office. The bill also eliminates the three-day notice requirement for an expedited hearing on a petition for mandamus or injunction where violations relating to the open meeting requirements of the Act are alleged. The requirement of the bill for online training for local officials has a delayed effective date of July 1, 2020.

7. Public Comment.

8. Set Future Meeting Dates.

9. Adjournment.

Council Members

Senator Richard H. Stuart, Chair

Delegate Luke E. Torian, Vice-Chair

Senator Mamie E. Locke
Sandra G. Treadway
Stephanie Hamlett
Mark Vucci
Marisa Porto
William "Billy" Coleburn

Delegate Glenn R. Davis, Jr.
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Michael Stern
Cullen Seltzer

Staff

Alan Gernhardt, Executive Director
Ashley Binns, Attorney

The FOIA Council's web site is: [http:// foiacouncil.dls.virginia.gov](http://foiacouncil.dls.virginia.gov). To assist us in providing Internet dissemination of materials, presenters are requested to submit written comments and handouts in electronic format by email to staff prior to 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.