



VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL
COMMONWEALTH OF VIRGINIA

Delegate H. Morgan Griffith, Chair
Senator R. Edward Houck, Vice Chair

Maria J.K. Everett, Esq., Executive Director
Alan Gernhardt, Esq., Staff Attorney
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Monday, July 13, 2009 Meeting
1:00 p.m. House Room C
General Assembly Building

SUGGESTED AGENDA
****ANNOTATED****

- 1. Call to Order; introduction of members.**
- 2. Subcommittee Reports:**
 - **Personal Identifying Information (PII) Subcommittee.**
 - **Public Records Subcommittee.**
- 3. Presentation: Senator Cuccinelli-- Background for SB 1332; Private entities operating, managing, or supervising any portion of the state highway system deemed "public bodies" for purposes of FOIA. [Summary: Provides that a private entity that operates, manages, or supervises any portion of the state highway system and receives funding from the Commonwealth or any of its political subdivisions shall be considered a public body for purposes of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) of the Code of Virginia as it relates to that portion of the private entity's business operations responsible for operating, managing, or supervising the portion of the state highway system].**
- 4. Public Comment.**
- 5. Other Business.**

- The Honorable Leonard Pomata, *Secretary of Technology*;
- James F. McGuirk, II, Chair, *Information Technology Investment Board*

6. Meeting Reminder: Next meeting of FOIA Council scheduled for Monday, September 21, 2009 at 11:00 a.m.

7. Adjournment.

Council Members

Delegate H. Morgan Griffith, Chair
Roger C. Wiley
E.M. Miller, Jr.
Mary Yancey Spencer
Sandra G. Treadway
Forrest M. "Frosty" Landon

Senator R. Edward Houck, Vice-Chair
Ralph L. "Bill" Axselle
Courtney M. Malveaux
Craig T. Fifer
George T. Whitehurst
John G. Selph

Staff

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

The FOIA Council's web site is: <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 (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

APPENDIX A

BILLS REFERRED TO COUNCIL FOR STUDY BY 2009 SESSION OF GENERAL ASSEMBLY

SB 880 (Stuart)

Department of Game and Inland Fisheries; disclosure of official records; exceptions. Provides that records of the Department shall be subject to the disclosure provisions of the Freedom of Information Act, except that personal information, as defined in § 2.2-3801, of individual applicants for or holders of any hunting, fishing, boating, or trapping license issued by an agent of the Department shall be withheld from public disclosure, provided that such individuals have requested that the Department not disclose such information. However, statistical summaries, abstracts, or other records containing information in an aggregate form that does not identify individual applicants or licensees shall be disclosed. The bill provides, however, that such information may be released (i) in accordance with a proper judicial order, (ii) to any law-enforcement agency, officer, or authorized agent thereof acting in the performance of official law-enforcement duties, or (iii) to any person who is the subject of the record.

SB 1332 (Cuccinelli)

Private entities operating, managing, or supervising any portion of the state highway system. Provides that a private entity that operates, manages, or supervises any portion of the state highway system and receives funding from the Commonwealth or any of its political subdivisions shall be considered a public body for purposes of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) of the Code of Virginia as it relates to that portion of the private entity's business operations responsible for operating, managing, or supervising the portion of the state highway system.

HB 2421 (May)

Freedom of Information Act; definition of public record. Clarifies that the definition of public record does not include correspondence, messages or other records or portions thereof created or received by a public employee, appointee or officer that relate to personal matters and

do not address public business; however such records may be disclosed in the discretion of the custodian.

HB 2471 (Hugo)

Freedom of Information Act; salary records of teachers. Provides that the disclosure of the names of individual teachers is not required under FOIA in response to a request for the official salary or rate of pay of employees of a local school board.

HB 2630 (Crockett-Stark)

Law-Enforcement Officers' Privacy Protection Act. Allows a law-enforcement officer to request that personal information about the officer be withheld from disclosure on public records. For purposes of the Act, "personal information" includes the officer's name, social security number, address, phone number, and any other information that could be used to physically locate the officer.