



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

**Monday, July 26, 2010 - 9:00 a.m.  
House Room D, General Assembly Building**

**SUGGESTED AGENDA  
\*ANNOTATED\***

- 1. Call to Order; and Introduction of members.**
- 2. Welcome to newest Council members; Ed Jones, Editor of the Free Lance-Star and Eric Gregory, OAG Designee.**
- 3. Election of Chair and Vice Chair.**
- 4. Recap of FOIA and Related Access Bills from 2010 Session of General Assembly.**
- 5. Bills referred to Council for study by 2010 Session of General Assembly:<sup>1</sup>**
  1. HB 449 (Ware, RL)--remedy for public bodies for requester harassment.
  2. HB 641 (Armstrong)--extending the right to make FOIA requests in VA to U.S. citizens.
  3. HB 976/SB147 (Anderson) and (Puller)--proceedings for enforcement; when notice of suit must be filed by petitioner on public body.
  4. SB 711 (Edwards)--disclosure of criminal investigative records.
- 6. Subcommittee Reports:**
  - Rights and Remedies Subcommittee
- 7. Concerns about Access to Budget Conferences - Helen Tansey.**
- 8. Other Business.**
  - Role of FOIA Council - Proactive training for legislators, aides, legislative agencies, committees and commissions - Senator Houck.

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

**9. Public Comment.**

**10. Set future meetings.**

**11. Adjournment.**

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**Council Members**

Delegate H. Morgan Griffith, Chair  
Roger C. Wiley  
E.M. Miller, Jr.  
Craig T. Fifer  
George T. Whitehurst  
John G. Selph

Senator R. Edward Houck, Vice-Chair  
Mary Yancey Spencer  
Sandra G. Treadway  
Forrest M. "Frosty" Landon  
Eric Gregory  
Ed Jones

**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](mailto:foiacouncil@leg.state.va.us).

APPENDIX A

***BILLS REFERRED TO COUNCIL FOR STUDY  
BY 2010 SESSION OF GENERAL ASSEMBLY***

**1. HB 449 (Ware, R.L.)--Freedom of Information Act; injunctive relief for public bodies under certain circumstances.**

Provides that any public body may petition a court for injunctive relief to restrain a requester from harassment or other abuse of the rights or privileges granted under FOIA.

**2. HB 641 (Armstrong)--Freedom of Information Act; requests for records may be made by any citizen of United States.**

**Freedom of Information Act; requests for records.** Provides that FOIA requests may be made by any citizen of the United States and not just citizens of the Commonwealth and extends the same privilege to representatives of newspapers and magazines. The bill provides that this privilege is limited to those states which give reciprocal rights to make FOIA requests to Virginia citizens. The bill also allows a public body to require prepayment before providing requested records when the amount for so producing is likely to exceed \$100.

**3. HB 976 (Anderson)/SB 147 (Puller)--FOIA; party whom writ is served must be served a copy of petition prior to filing.**

Clarifies that before a FOIA petition is filed, the party against whom the writ is brought must receive a copy of the petition within a reasonable time prior to the petitioner filing the petition with the court. The bill contains a technical amendment and incorporates HB 689.

**4. SB 711 (Edwards, J.) Freedom of Information Act; disclosure of criminal investigative records.** Limits the exemption for criminal investigative or prosecution records to those investigations or prosecutions that are ongoing. As a result, criminal investigative and prosecution records would be open to the public after the ongoing criminal investigation or prosecution has become final or has been otherwise terminated, unless there is jeopardy to any other criminal investigation or prosecution. The bill contains technical amendments.

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