



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

**Tuesday, August 5, 2008
1:00 p.m. House Room D
General Assembly Building**

SUGGESTED AGENDA
Annotated

- 1. Call to Order; welcome to newly appointed FOIA Council members Frosty Landon and John Selph.**
- 2. Election of Chair and Vice-chair.**
- 3. Subcommittee Reports:**
 - **Personal Identifying Information (PII) Subcommittee**
 - **Emeetings Subcommittee.**
- 4. Other Business:**
 - **Database Index (§ 2.2-3704 J)--(*Background*--This section of FOIA requires all state agencies to have an index of each of their databases. Specifically, § 2.2-3704 J provides, "Every public body of state government shall compile, and annually update, an index of computer databases that contains at a minimum those databases created by them on or after July 1, 1997. "Computer database" means a structured collection of data or records residing in a computer. Such index shall be a public record and shall include, at a minimum, the following information with respect to each database listed therein: a list of data fields, a description of the format or record layout, the date last updated, a list of any data fields to which public access is restricted, a description of each format in which the database can be copied or reproduced**

using the public body's computer facilities, and a schedule of fees for the production of copies in each available form (emphasis added). The form, context, language, and guidelines for the indices and the databases to be indexed shall be developed by the Virginia Information Technologies Agency in consultation with the Librarian of Virginia and the State Archivist. The public body shall not be required to disclose its software security, including passwords.

The Issue is that the parameters for what should be included in an index are very broad and detailed. It essentially expands what is required by this section well beyond what may be considered "an index".

Question: Does this issue warrant an in-depth look by the Council?

- **Meeting minutes and technology (§ 2.2-3707 I)--(Background--** With the advent of technologies such as "Board Docs," a paperless system for minutes and agendas, some state and local public bodies no longer produce written minutes. In its place are audio recordings (tape or cd) of meetings to which relevant files are attached. It is possible to navigate through these audio recordings to find particular topic areas. The question is whether this new technology complies with FOIA. Nothing in FOIA requires written minutes; however, written minutes have been the standard practice. This issue may be resolved with legislation to make the use of "Board Docs" and other such technologies permissive provided that these minutes are navigable to the end user/requester in whatever format they may appear. In this way, a requester would not be required to listen to hours of meeting minutes to hear a particular portion of the meeting.

5. Discussion.

6. Public Comment.

**7. Next meeting reminder: Monday, October 6, 2008 at 1:00 p.m.
(Parking in gravel lot at corner of 9th and Broad Streets; go to Capitol
Police Gatehouse in Capitol Square for pass.)**

8. Adjournment.

Council Members

Senator R. Edward Houck, Chair
Roger C. Wiley
E.M. Miller, Jr.
Mary Yancey Spencer
Sandra G. Treadway
Forrest M. "Frosty" Landon

Delegate H. Morgan Griffith
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

*** Mr. Fifer will be participating in the meeting from Alexandria via telephone pursuant to § 2.2-3708.1 due to a temporary medical condition. The voice of Mr. Fifer will be heard by all persons attending the meeting in House Room D of the General Assembly Building.**

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.