



# VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

## COMMONWEALTH OF VIRGINIA

Senator Richard H. Stuart, Chair  
Delegate James M. LeMunyon, Vice Chair

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

**Tuesday, September 16, 2014 - 1:30 p.m.  
House Room C, General Assembly Building**

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

- 1. Call to Order, and Introduction of members.**
- 2. Subcommittee Reports.**
  - **Records Subcommittee (Bob Tavenner, Chair)**
  - **Meetings Subcommittee (George Whitehurst, Chair)**
- 3. Bills referred to Council for study by 2014 Session of General Assembly:<sup>1</sup>**
  - **HB 339 (Anderson)/SB 387 (Reeves) - FOIA; certain proprietary records of the Department of Rail and Public Transportation. *You will recall that at its meeting in April, the Council referred these bills to the Records Subcommittee to be incorporated into its study of records exemptions.***

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

- HB 788 (LeMunyon) - FOIA; out-of-state requests for records. *You will recall that at its meeting in April, the Council stated that it would consider this bill as the full Council rather than refer it to a subcommittee.*
- HB 839 (Brink) - FOIA; applicability to the Office of the Attorney General. *At its meeting in April, the Council stated that it would consider this bill as the full Council as well, rather than refer it to a subcommittee.*

**4. Legislative Preview.**

**5. Other Business.**

**6. Of note.**

- **2014 FOIA Workshops.** *The workshops this year have been scheduled for the following dates and locations:*  
*October 20 -- Manassas, VA*  
*October 21 -- Richmond, VA*  
*October 23 -- Norfolk, VA*
- **GIS & FOIA Handout.** *FOIA Council staff worked with staff of the Virginia Information Technologies Agency (VITA) to produce a guidance document on how to handle geographic information systems (GIS) records under FOIA. The "Guide to Geographic Information Systems Records" is available on the Reference Materials page of the FOIA Council website.*

**7. Public comment.**

**8. Next meeting reminder:** *The next meeting of the FOIA Council is scheduled to be held at 1:30 PM on November 18, 2014 in House Room C of the General Assembly Building.*

**9. Adjournment.**

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**Council Members**

**Senator Richard H. Stuart, Chair**  
**Sandra G. Treadway**  
**Forrest M. "Frosty" Landon**  
**John G. Selph**  
**James Schliessmann**  
**Kathleen Dooley**

**Delegate James M. LeMunyon, Vice Chair**  
**Christopher Ashby**  
**George T. Whitehurst**  
**Ed Jones**  
**Robert L. Tavenner**  
**Stephanie Hamlett**

## 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 2014 SESSION OF GENERAL ASSEMBLY***

1. **HB 339 (Anderson)/SB 387 (Reeves) - FOIA; certain proprietary records of the Department of Rail and Public Transportation.** Provides an exemption for confidential proprietary information and trade secrets, including commercial or financial information, balance sheets, revenue and cost projections, and detailed freight origin and destination information provided by a private transportation business to the Virginia Department of Transportation and or the Department of Rail and Public Transportation for any purpose authorized or regulated by state law, including obtaining and administering grants or other financial assistance for transportation projects, provided such information is exempt from disclosure under federal laws governing transportation or the federal Freedom of Information Act.
2. **HB 788 (LeMunyon) - FOIA; out-of-state requests for records.** Sets out the process for public bodies to respond to record requests made by out-of-state requesters.
3. **HB 839 (Brink) - FOIA; applicability to the Office of the Attorney General.** Clarifies that for the purposes of FOIA applicable to access to public records, the Office of the Attorney General shall be considered a public body and, except as otherwise expressly provided by law, shall have the same obligations to disclose public records as other custodians of public records. The bill contains technical amendments.

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