



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

Annual Legislative Preview

Monday, December 3, 2007
1:00 p.m. House Room D
General Assembly Building

**SUGGESTED AGENDA
*ANNOTATED***

1. Call to Order; introduction of members.
2. Annual Legislative Preview.
 - *Rob Lockridge, University of Virginia; FOIA exemption for fund raising strategy and certain donor information.*
 - *Rick Walton/Keith Martin, VDOT; FOIA exemption for certain proprietary records submitted to VDOT pursuant to an audit or special investigation by VDOT Inspector General's Office.*
 - *William Watt, Department of the Treasury; FOIA exemption for local government investment pools administered by the Department of the Treasury pursuant to the Local Government Investment Pool Act (§ 2.2-4600 et seq.).*
 - *James G. Council, Virginia Residential Psychiatric Treatment Association; FOIA exemption for certain financial information of children's residential facilities.*
 - *Marc Follmer, Office of Commonwealth Preparedness; FOIA record and meeting exemption for the Virginia Military Advisory Council or the Virginia National Defense Industrial Authority relating to federal military base realignment or closures in Virginia.*

- *Craig Fifer, City of Alexandria*, expansion of current FOIA exemption for franchises for cable service to include franchises for wireless service.

3. Subcommittee Reports and Legislative Recommendations :

- **Electronic Meetings Subcommittee.**

The Subcommittee has met three times in 2007, resulting in a draft bill recommended by the Subcommittee that would allow local public bodies to meet by electronic means in certain emergency situations.

- **Personal Identifying Information Subcommittee.**

The Subcommittee has met six times in 2007, five times as joint meetings with members of the Joint Commission on Technology and Science. The joint Subcommittee has focused its work on the treatment of Social Security numbers, both in records of public and private entities. The Subcommittee may be recommending legislation limiting the collection of SSNs by state and local public bodies. The Subcommittee will continue its work in 2008 on this topic area.

The Subcommittee has also draft legislation that would exempt from disclosure certain concealed handgun permit information held by the Department of State Police.

4. Discussion.

5. Public Comment.

6. Other Business.

- HB 2558 (Brink)--Update on final agreement between Virginia Veterinary Association and Treasurer's Association concerning development of uniform dog license application.
- Review of Council's draft 2007 annual report.

7. Of Note.

- Better Government Association and National Freedom of Information Coalition grade states' responsiveness to FOIA requests. Thirty-eight out of 50 states given "F" grade in overall response. Virginia earns "C". Only two "As" given--Nebraska and New Jersey. No "Bs and only 6 "Cs" given. Four "Ds" given. Criteria: response time, cost- and time-efficient

appeal, expedited review by courts, award of attorneys fees and court costs, and sanctions.

- **Virginia results:**

Response Time-- Out of 4 pts	Appeals-- Out of 2 pts	Expedited Review-- Out of 2 pts	Fees and costs-- Out of 4 pts	Sanctions-- - Out of 4 pts	Total Points-- Out of 16
4	0.5	2	3	3	12.5

8. Set first meeting of 2008

9. Adjournment.

Council Members

Senator R. Edward Houck, Chair
 Roger C. Wiley
 John B. Edwards
 Ralph L. "Bill" Axselle
 Mary Yancey Spencer
 Sandra G. Treadway

Delegate H. Morgan Griffith
 W. Wat Hopkins
 E.M. Miller, Jr.
 Craig T. Fifer
 Courtney M. Malveaux
 George T. Whitehurst

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.