



# VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

## COMMONWEALTH OF VIRGINIA

Senator Richard H. Stuart, Chair  
Delegate Luke E. Torian, Vice-Chair

Alan Gernhardt, Esq., Executive Director  
Ashley Binns, Esq., Attorney

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Pocahontas Building ~ 900 East Main Street, Pocahontas Building, 8th Floor ~ Richmond, Virginia 23219  
foiacouncil@dls.virginia.gov ~ 804-698-1810 ~ (Toll Free) 1-866-448-4100 ~ (Fax) 804-698-1899 ~ <http://foiacouncil.dls.virginia.gov>



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

**Wednesday, December 4, 2019 - 2:00 PM**

**Senate Room A, Ground Floor**

**Pocahontas Building**

### **PROPOSED AGENDA**

- 1. Call to Order, introduction of members.**
- 2. Subcommittee Reports.**

#### Phishing Study Subcommittee

- **HJ 628 (Heretick); Study; Virginia Freedom of Information Advisory Council; threat of phishing attacks; report.** Directs the Virginia Freedom of Information Advisory Council (FOIA Council) to study the threat of phishing attacks on citizens and public employees whose contact and private information is legally obtained as a result of a Freedom of Information Act (FOIA) request. The study further directs the FOIA Council to examine the current FOIA provisions and make recommendations on ways to address the threat of phishing attacks on citizens and public employees of the Commonwealth.

*As previously reported, with the concurrence of the Council, the Subcommittee intends to continue studying the relationship between phishing and FOIA through next year. The Subcommittee also considered legislative proposals to address the response timing when a requester asks for an estimate in advance. At its last meeting, the Subcommittee voted unanimously (5-0) to recommend a draft (LD 20100558) that would toll the time to respond for the amount of time that elapses between notice of the cost estimate and the receipt of payment from the requester, provide that if the public body receives no response from the requester within 30 days of sending the cost estimate, the request*

*shall be deemed to be withdrawn, and clarify that if a cost estimate exceeds \$200 and the public body requires an advance deposit, the requester must pay the advance deposit before the public body is required to process the request.*

**3. Legislative Preview.** *Each year the Council makes itself available to interested parties as a forum for legislative proposals involving FOIA or other access-related issues. By acting as a forum, the FOIA Council hopes that all persons interested in proposed FOIA amendments will be informed of these proposed amendments well in advance of the next session of the General Assembly and have the opportunity to address any disagreements or other issues before the next session.*

**4. Public Comment.**

**5. Future Meetings.**

**6. Adjournment.**

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**Council Members**

**Senator Richard H. Stuart, Chair**  
**Senator Mamie E. Locke**  
**Sandra G. Treadway**  
**Matthew A. Conrad**  
**Mark Vucci**  
**Michael Stern**  
**Cullen Seltzer**

**Delegate Luke E. Torian, Vice-Chair**  
**Delegate Glenn R. Davis, Jr.**  
**Lee Bujakowski**  
**Sterling Rives**  
**Shawri King-Casey**  
**William "Billy" Coleburn**  
**Bruce Potter**

**Staff**

Alan Gernhardt, Executive Director  
Ashley Binns, 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 email to staff prior to 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).