



VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL
COMMONWEALTH OF VIRGINIA

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

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VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL
Monday, December 5, 2016 - 1:30 p.m.
House Room 1, Virginia State Capitol Building

SUGGESTED AGENDA
****ANNOTATED****

- 1. Call to Order, introduction of members.**
- 2. Review of proposed HJR 96 omnibus bill(s) to be recommended to the 2017 Session of the General Assembly (LD 17100968 (records) and (LD 170111247 (meetings)). (See Appendix A for listing of Council-approved drafts to date by Subcommittee.)**
- 3. Public Comment.**
- 4. Discussion.**
- 5. Set future meeting dates in 2017. *March 7, 2017.***
- 6. Adjournment.**

Council Members

Delegate James M. LeMunyon, Chair
Sandra G. Treadway
Stephanie Hamlett
Mark Vucci
Marisa Porto
William "Billy" Coleburn

Senator Richard H. Stuart, Vice-Chair
Ed Jones
Kathleen Dooley
Shawri King-Casey
Michael Stern

Staff

Maria J.K. Everett, Executive Director and Senior Attorney
Alan Gernhardt, Senior Attorney
Jessica L. Budd, Staff Attorney

The FOIA Council's web site is: [http:// foiacouncil.dls.virginia.gov](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 (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.

APPENDIX A



**HJR 96 FOIA Study
Legislative Recommendations Tracking Document
Effective November 22, 2016
(After November 21, 2016 FOIA Council meeting)**

I. DRAFTS STILL PENDING BEFORE FOIA COUNCIL

LD Number	Relating to	Notes
17100698	Omnibus Records draft	Awaiting final action
17101247	Omnibus Meetings draft	Awaiting final action

II. Legislative Recommendations Approved by FOIA Council by subcommittee and date with vote:

MEETING SUBCOMMITTEE (8):

LD Number	Relating to	Date Approved by Meetings Subc.	Date Approved by FOIA Council	FOIA Council Vote	Notes
1. 16101652	2.2-3712 closed mtg procedures	November 4, 2015	June 23, 2016	8-0	technical fixes
2. 15100276	2.2-3711; legal matters and litigation	August 19, 2014	June 23, 2016 and again on November 21, 2016 b/c action not reflected in June 23, 2016 meeting	8-0	Make 2 separate exclusions; declaratory of existing law

LD Number	Relating to	Date Approved by Meetings Subc.	Date Approved by FOIA Council	FOIA Council Vote	Notes
			minutes		
3. 1610002	2.2-3711: certain museums, local crime commissions, and local postemployment nonpension boards	November 5, 2014 and May 12, 2015	June 23, 2016	8-0	
4. 16100201	2.2-3711; VCUHSA clean up	July 21, 2015	June 23, 2016	8-0	
5. 17100049	2.2-3711; Context draft	September 19, 2016	September 19, 2016	8-0	Previously LD16100064
6. 17100176	2.2-3708 and 2.2-3708.1; Emtgs clarifications, and definition of regional public body	September 19, 2016	September 19, 2016		
7. 17100786	2.2-3707.1; posting minutes	September 19, 2016	October 17, 2016		
8. 17100047	2.2-3707; notice and agenda posting	June 6, 2016	October 17, 2016		Previously LD16106517

RECORDS SUBCOMMITTEE (17):

LD Number	Relating to	Date Approved by Records Subc.	Date Approved by FOIA Council	FOIA Council Vote	Notes
1. 15100327	2.2-3705.1; email subscriptions	November 5, 2014	June 23, 2016	9-0	
2. 15101102	2.2-3705.1; "scholastic record" out of	N/A--see notes	June 23, 2016	9-0	Excluded under 2.2-3705.4

LD Number	Relating to	Date Approved by Records Subc.	Date Approved by FOIA Council	FOIA Council Vote	Notes
	this list				already; also removed in HB 817 (2016)
3. 15101103	2.2-3705.7; customer acct info	August 25, 2014	June 23, 2016	9-0	
4. 15101104	2.2-3705.7; Wildlife Magazine	November 5, 2014	June 23, 2016	9-0	
5. 16101008	2.2-3705.7; local boards, post employment, nonpension comp.	July 21, 2015	June 23, 2016	9-0	
6. 16100995	2.2-3705.2 and 2.2-3705.3; public safety, admin investigations; and telecommunication service provider terminology fix	October 7, 2015	June 23, 2016	9-0	
7. 17100033	2.2-3705.4; VA College Savings Plan	September 14, 2015	June 23, 2016	9-0	
8. 17100048	2.2-3705.3; DHRM admin investigation	November 18, 2015	June 23, 2016	9-0	Previously LD16106514 Deleted as unnecessary b/c covered under personnel exclusion
9. 17100067	2.2-3705.5; DHP and DSS consolidations	September 14, 2016	September 19, 2016	8-0	
10. 17100698	2.2-3701; definition of	September 8, 2016	October 17, 2016	8-0	

LD Number	Relating to	Date Approved by Records Subc.	Date Approved by FOIA Council	FOIA Council Vote	Notes
	public record				
11. 17100603	2.2-3705.7; working papers	August 18, 2015	October 17, 2016	7-1	LeMunyon's version; includes Subc recommendn
12. 17100035	2.2-3705.2; Public Safety consolidation of 2, 4, 6, and 14	August 18, 2016--Subc. action--to refer to full FOIA Council w/o recommendation	October 17, 2016	7-0-1	First paragraph of Subdivision 2 of 2.2-3705.2 moved to 2.2-3705.6 (proprietary records)
13. 17100765	FOIA requests and responses (2.2-3704)	September 29, 2016	November 21, 2016	6-1	
14. 17100766	Global language change; revert to pre 2016 law (i.e. "Nothing...to prevent/prohibit disclosure...")	November 18, 2015, but reconsidered and current version recommended September 29, 2016	November 21, 2016	5-1-1	
15. 15100326	Personnel records; consolidation of 2.2-3705.1 and 2.2-3705.8	August 25, 2014	November 21, 2016	7-0	
16. 15101105	certain corresp of local officials not a public record (2.2-3705.7)	November 5, 2014	November 21, 2016	7-0	
17. 17101306	ABC Authority record exclusion for proprietary	November 18, 2015	November 21, 2016	7-0	

LD Number	Relating to	Date Approved by Records Subc.	Date Approved by FOIA Council	FOIA Council Vote	Notes
	records, marketing strategies, etc. (subd 34 of 2.2-3705.7)				