



**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.**

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**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](mailto: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 <b>Records</b> draft  | Awaiting final action |
| 17101247  | Omnibus <b>Meetings</b> 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 |

| <b>LD Number</b> | <b>Relating to</b>   | <b>Date Approved by Records Subc.</b> | <b>Date Approved by FOIA Council</b> | <b>FOIA Council Vote</b> | <b>Notes</b>   |
|------------------|--|---------------------------------------|--------------------------------------|--------------------------|--|
|                  | 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               |  |

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