



VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

COMMONWEALTH OF VIRGINIA

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Delegate Salvatore R. Iaquinto, Vice-Chair

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**MEETING OF THE
VIRGINIA FREEDOM OF INFORMATION
ADVISORY COUNCIL
Monday, December 17, 2012
1:30 p.m.
House Room C, General Assembly Building**

**ANNUAL LEGISLATIVE PREVIEW II
SUGGESTED AGENDA
*ANNOTATED***

- 1. Call to Order and introduction of members.**
- 2. Subcommittee Reports:**
 - **Electronic Meetings Subcommittee**
At its last meeting the Subcommittee voted to recommend two drafts to the full Council: one draft would allow state level public bodies that are solely advisory in nature to conduct electronic meetings without a physical quorum present in a single location, if certain other conditions are met; the other draft would expand individual participation by electronic means to include "personal matters" in the same subdivision that currently allows such participation in the case of personal emergencies.
 - **Criminal Investigative Records Subcommittee**
At its last meeting the Subcommittee voted to recommend an amended draft that would reorganize the existing law into subsections addressing (A) required, discretionary, and prohibited releases; (B) noncriminal records; (C) 911 calls; and (D) conflict resolution. The only substantive changes intended were to add subsection (C) to address 911 calls explicitly, and to amend the existing exemption for noncriminal records to allow it to be used by all public bodies engaged in law-enforcement activities. Under current law, the noncriminal records exemption applies only to records of sheriffs and local police departments. Due to concerns about a case recently granted an appeal to the Virginia Supreme Court, the draft also clarifies that law enforcement personnel records are subject to the specific

exemption for background investigations and other administrative investigations under § 2.2-3706, as well as the general personnel records exemption in § 2.2-3705.1, but such personnel records are not governed by the exemption for noncriminal records in § 2.2-3706.

○ **Parole Board Subcommittee**

The Subcommittee directed staff to facilitate a discussion between Delegate Hope (the patron of the HB 397, which was referred to the Council for study) and William Muse, the Chair of the Parole Board. Staff did so in August, 2012, at which time Delegate Hope and Mr. Muse agreed that they could work together to resolve the issues raised by HB 397. The Subcommittee held no additional meetings after the parties agreed to work together.

3. **Review of legislative drafts recommended by Subcommittees**
4. **Discussion and action on Subcommittee recommendations.**
5. **Annual Legislative Preview II.**
6. **Public Comment.**
7. **Other Business.**
8. **Set first meeting in 2013.**
9. **Adjournment.**

Council Members

Senator Richard H. Stuart, Chair
Sandra G. Treadway
George T. Whitehurst
Ed Jones
Robert L. Tavenner
Stephanie Hamlett

Delegate Sal Iaquinto, Vice Chair
Forrest M. "Frosty" Landon
John G. Selph
James Schliessmann
Kathleen Dooley
Christopher Ashby

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.