



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

Thursday, December 29, 2005
1:00 p.m. House Room D
General Assembly Building

**SUGGESTED AGENDA
ANNOTATED**

1. Call to Order and introduction of members.
2. Final Review of Council's legislative proposals:
 - ◆ Review of draft relating to mandated fifth response to FOIA requests--"The requested records do not exist or cannot be found after diligent search."
Background: During 2005, the Council has been working on a legislative draft mandating a fifth response to a FOIA request--the requested records do not exist or cannot be found after diligent search. Currently under FOIA, a public body is under no obligation to create records that do not exist in response to a specific request nor is a public body required to respond to a requester if the requested record does not exist. The lack of a required response in these instances leads to confusion and exacerbates any feelings of distrust. The Council, in a written opinion (AO-16-04) has previously opined that a public body should make this written response where applicable in order to avoid confusion and frustration on the part of the requester.
 - ◆ Review of draft recommended by the PPEA/PPTA Subcommittee. *The PPEA/PPTA Subcommittee, consisting of Council members Axselle, Edwards, Wiley, and Houck, will make its recommendation for amendments to FOIA and the PPEA/PPTA to ensure public access to the procurement records of PPEA/PPTA projects without adversely affecting the competitive process.*
3. Other Business.

4. Public comment.
5. Set first meeting of 2006.
6. Adjournment.

Council Members

Senator R. Edward Houck, Chair	Delegate H. Morgan Griffith
Roger C. Wiley	John Stewart Bryan, III
Thomas M. Moncure, Jr.	John B. Edwards
Ralph L. "Bill" Axselle	W. Wat Hopkins
E. M. Miller, Jr.	Mary Yancey Spencer
Nolan T. Yelich	Craig T. Fifer

Staff

Maria J.K. Everett, Executive Director
Alan P. 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 to the FOIA Council 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.