

SENATE BILL NO. _____ HOUSE BILL NO. _____

1 A BILL to amend and reenact §§ 2.2-3701 and 30-179 of the Code of Virginia, relating to the Virginia
2 Freedom of Information Act and the Virginia Freedom of Information Advisory Council;
3 definition; official public government website.

4 **Be it enacted by the General Assembly of Virginia:**

5 **1. That §§ 2.2-3701 and 30-179 of the Code of Virginia are amended and reenacted as follows:**

6 **§ 2.2-3701. Definitions.**

7 As used in this chapter, unless the context requires a different meaning:

8 "Closed meeting" means a meeting from which the public is excluded.

9 "Electronic communication" means the use of technology having electrical, digital, magnetic,
10 wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

11 "Emergency" means an unforeseen circumstance rendering the notice required by this chapter
12 impossible or impracticable and which circumstance requires immediate action.

13 "Information," as used in the exclusions established by §§ 2.2-3705.1 through 2.2-3705.7, means
14 the content within a public record that references a specifically identified subject matter, and shall not be
15 interpreted to require the production of information that is not embodied in a public record.

16 "Meeting" or "meetings" means the meetings including work sessions, when sitting physically, or
17 through electronic communication means pursuant to § 2.2-3708.2, as a body or entity, or as an informal
18 assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent
19 membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any
20 public body. Neither the gathering of employees of a public body nor the gathering or attendance of two
21 or more members of a public body (a) at any place or function where no part of the purpose of such
22 gathering or attendance is the discussion or transaction of any public business, and such gathering or
23 attendance was not called or prearranged with any purpose of discussing or transacting any business of
24 the public body, or (b) at a public forum, candidate appearance, or debate, the purpose of which is to
25 inform the electorate and not to transact public business or to hold discussions relating to the transaction

26 of public business, even though the performance of the members individually or collectively in the conduct
27 of public business may be a topic of discussion or debate at such public meeting, shall be deemed a
28 "meeting" subject to the provisions of this chapter.

29 "Official public government website" means any Internet site controlled by a public body and used,
30 among any other purposes, to post required notices and other content pursuant to this chapter on behalf of
31 the public body.

32 "Open meeting" or "public meeting" means a meeting at which the public may be present.

33 "Public body" means any legislative body, authority, board, bureau, commission, district or agency
34 of the Commonwealth or of any political subdivision of the Commonwealth, including cities, towns and
35 counties, municipal councils, governing bodies of counties, school boards and planning commissions;
36 governing boards of public institutions of higher education; and other organizations, corporations or
37 agencies in the Commonwealth supported wholly or principally by public funds. It shall include (i) the
38 Virginia Birth-Related Neurological Injury Compensation Program and its board of directors established
39 pursuant to Chapter 50 (§ 38.2-5000 et seq.) of Title 38.2 and (ii) any committee, subcommittee, or other
40 entity however designated, of the public body created to perform delegated functions of the public body
41 or to advise the public body. It shall not exclude any such committee, subcommittee or entity because it
42 has private sector or citizen members. Corporations organized by the Virginia Retirement System are
43 "public bodies" for purposes of this chapter.

44 For the purposes of the provisions of this chapter applicable to access to public records,
45 constitutional officers and private police departments as defined in § 9.1-101 shall be considered public
46 bodies and, except as otherwise expressly provided by law, shall have the same obligations to disclose
47 public records as other custodians of public records.

48 "Public records" means all writings and recordings that consist of letters, words or numbers, or
49 their equivalent, set down by handwriting, typewriting, printing, photostating, photography, magnetic
50 impulse, optical or magneto-optical form, mechanical or electronic recording or other form of data
51 compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or
52 in the possession of a public body or its officers, employees or agents in the transaction of public business.

53 "Regional public body" means a unit of government organized as provided by law within defined
54 boundaries, as determined by the General Assembly, which unit includes two or more localities.

55 "Scholastic records" means those records containing information directly related to a student or an
56 applicant for admission and maintained by a public body that is an educational agency or institution or by
57 a person acting for such agency or institution.

58 "Trade secret" means the same as that term is defined in the Uniform Trade Secrets Act (§ 59.1-
59 336 et seq.).

60 **§ 30-179. Powers and duties of the Council.**

61 The Council shall:

62 1. Furnish, upon request, advisory opinions or guidelines, and other appropriate information
63 regarding the Freedom of Information Act (§ 2.2-3700 et seq.) to any person or public body, in an
64 expeditious manner;

65 2. Conduct training seminars and educational programs for the members and staff of public bodies
66 and other interested persons on the requirements of the Freedom of Information Act (§ 2.2-3700 et seq.);

67 3. Publish such educational materials as it deems appropriate on the provisions of the Freedom of
68 Information Act (§ 2.2-3700 et seq.);

69 4. Request from any public body such assistance, services, and information as will enable the
70 Council to effectively carry out its responsibilities. Information provided to the Council by a public body
71 shall not be released to any other party unless authorized by such public body;

72 5. Assist in the development and implementation of the provisions of § 2.2-3704.1;

73 6. Develop the public comment form for use by designated public bodies in accordance with
74 subdivision D 6 of § 2.2-3708.2;

75 7. Develop an online public comment form to be posted on the Council's official public
76 government website, [as defined in § 2.2-3701](#), to enable any requester to comment on the quality of
77 assistance provided to the requester by a public body; and

