

**SENATE BILL NO. \_\_\_\_\_ HOUSE BILL NO. \_\_\_\_\_**

1 A BILL to amend and reenact §§ 2.2-3705.7 and 2.2-3711 of the Code of Virginia, relating to the  
2 Virginia Freedom of Information Act; exclusion for the Alcoholic Beverage Control Authority.

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

4 **1. That §§ 2.2-3705.7 and 2.2-3711 of the Code of Virginia are amended and reenacted as follows:**

5 **§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and**  
6 **certain other limited exclusions.**

7 The following information contained in a public record is excluded from the mandatory  
8 disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except  
9 where such disclosure is prohibited by law. Redaction of information excluded under this section from a  
10 public record shall be conducted in accordance with § 2.2-3704.01.

11 1. State income, business, and estate tax returns, personal property tax returns, and confidential  
12 records held pursuant to § 58.1-3.

13 2. Working papers and correspondence of the Office of the Governor; the Lieutenant Governor;  
14 the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the  
15 Clerks of the House of Delegates and the Senate of Virginia; the mayor or chief executive officer of any  
16 political subdivision of the Commonwealth; or the president or other chief executive officer of any  
17 public institution of higher education in Virginia. However, no information that is otherwise open to  
18 inspection under this chapter shall be deemed excluded by virtue of the fact that it has been attached to  
19 or incorporated within any working paper or correspondence. Nothing in this subdivision shall be  
20 construed to authorize the withholding of any resumes or applications submitted by persons who are  
21 appointed by the Governor pursuant to § 2.2-106 or 2.2-107.

22 As used in this subdivision:

23 "Members of the General Assembly" means each member of the Senate of Virginia and the  
24 House of Delegates and their legislative aides when working on behalf of such member.

25 "Office of the Governor" means the Governor; his chief of staff, counsel, director of policy,  
26 Cabinet Secretaries, and Assistant to the Governor for Intergovernmental Affairs and those individuals  
27 to whom the Governor has delegated his authority pursuant to § 2.2-104.

28 "Working papers" means those records prepared by or for an above-named public official for his  
29 personal or deliberative use.

30 3. Information contained in library records that can be used to identify both (i) any library patron  
31 who has borrowed material from a library and (ii) the material such patron borrowed.

32 4. Contract cost estimates prepared for the confidential use of the Department of Transportation  
33 in awarding contracts for construction or the purchase of goods or services, and records and automated  
34 systems prepared for the Department's Bid Analysis and Monitoring Program.

35 5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth,  
36 whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by  
37 the political subdivision.

38 6. Information furnished by a member of the General Assembly to a meeting of a standing  
39 committee, special committee, or subcommittee of his house established solely for the purpose of  
40 reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of  
41 formulating advisory opinions to members on standards of conduct, or both.

42 7. Customer account information of a public utility affiliated with a political subdivision of the  
43 Commonwealth, including the customer's name and service address, but excluding the amount of utility  
44 service provided and the amount of money paid for such utility service.

45 8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing  
46 Development Authority concerning individuals who have applied for or received loans or other housing  
47 assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise  
48 assisted by the Virginia Housing Development Authority; (ii) concerning persons participating in or  
49 persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local  
50 redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or  
51 persons on the waiting list for housing assistance programs funded by local governments or by any such

52 authority; or (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or  
53 any other local government agency concerning persons who have applied for occupancy or who have  
54 occupied affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access  
55 to one's own information shall not be denied.

56 9. Information regarding the siting of hazardous waste facilities, except as provided in § 10.1-  
57 1441, if disclosure of such information would have a detrimental effect upon the negotiating position of  
58 a governing body or on the establishment of the terms, conditions, and provisions of the siting  
59 agreement.

60 10. Information on the site-specific location of rare, threatened, endangered, or otherwise  
61 imperiled plant and animal species, natural communities, caves, and significant historic and  
62 archaeological sites if, in the opinion of the public body that has the responsibility for such information,  
63 disclosure of the information would jeopardize the continued existence or the integrity of the resource.  
64 This exclusion shall not apply to requests from the owner of the land upon which the resource is located.

65 11. Memoranda, graphics, video or audio tapes, production models, data, and information of a  
66 proprietary nature produced by or for or collected by or for the Virginia Lottery relating to matters of a  
67 specific lottery game design, development, production, operation, ticket price, prize structure, manner of  
68 selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of  
69 drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such  
70 information not been publicly released, published, copyrighted, or patented. Whether released,  
71 published, or copyrighted, all game-related information shall be subject to public disclosure under this  
72 chapter upon the first day of sales for the specific lottery game to which it pertains.

73 12. Information held by the Virginia Retirement System, acting pursuant to § 51.1-124.30, or a  
74 local retirement system, acting pursuant to § 51.1-803, or the Rector and Visitors of the University of  
75 Virginia, acting pursuant to § 23.1-2210, or the Virginia College Savings Plan, acting pursuant to §  
76 23.1-704, relating to the acquisition, holding, or disposition of a security or other ownership interest in  
77 an entity, where such security or ownership interest is not traded on a governmentally regulated  
78 securities exchange, if disclosure of such information would (i) reveal confidential analyses prepared for

79 the Rector and Visitors of the University of Virginia, prepared by the retirement system or the Virginia  
80 College Savings Plan, or provided to the retirement system or the Virginia College Savings Plan under a  
81 promise of confidentiality of the future value of such ownership interest or the future financial  
82 performance of the entity and (ii) have an adverse effect on the value of the investment to be acquired,  
83 held, or disposed of by the retirement system, the Rector and Visitors of the University of Virginia, or  
84 the Virginia College Savings Plan. Nothing in this subdivision shall be construed to authorize the  
85 withholding of information relating to the identity of any investment held, the amount invested, or the  
86 present value of such investment.

87 13. Names and addresses of subscribers to Virginia Wildlife magazine, published by the  
88 Department of Game and Inland Fisheries, provided the individual subscriber has requested in writing  
89 that the Department not release such information.

90 14. Financial, medical, rehabilitative, and other personal information concerning applicants for  
91 or recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority  
92 under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

93 15. Information held by the Virginia Commonwealth University Health System Authority  
94 pertaining to any of the following: an individual's qualifications for or continued membership on its  
95 medical or teaching staffs; proprietary information gathered by or in the possession of the Authority  
96 from third parties pursuant to a promise of confidentiality; contract cost estimates prepared for  
97 confidential use in awarding contracts for construction or the purchase of goods or services; information  
98 of a proprietary nature produced or collected by or for the Authority or members of its medical or  
99 teaching staffs; financial statements not publicly available that may be filed with the Authority from  
100 third parties; the identity, accounts, or account status of any customer of the Authority; consulting or  
101 other reports paid for by the Authority to assist the Authority in connection with its strategic planning  
102 and goals; the determination of marketing and operational strategies where disclosure of such strategies  
103 would be harmful to the competitive position of the Authority; and information of a proprietary nature  
104 produced or collected by or for employees of the Authority, other than the Authority's financial or  
105 administrative records, in the conduct of or as a result of study or research on medical, scientific,

106 technical, or scholarly issues, whether sponsored by the Authority alone or in conjunction with a  
107 governmental body or a private concern, when such information has not been publicly released,  
108 published, copyrighted, or patented. This exclusion shall also apply when such information is in the  
109 possession of Virginia Commonwealth University.

110 16. Information held by the Department of Environmental Quality, the State Water Control  
111 Board, the State Air Pollution Control Board, or the Virginia Waste Management Board relating to (i)  
112 active federal environmental enforcement actions that are considered confidential under federal law and  
113 (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such  
114 information shall be disclosed after a proposed sanction resulting from the investigation has been  
115 proposed to the director of the agency. This subdivision shall not be construed to authorize the  
116 withholding of information related to inspection reports, notices of violation, and documents detailing  
117 the nature of any environmental contamination that may have occurred or similar documents.

118 17. Information related to the operation of toll facilities that identifies an individual, vehicle, or  
119 travel itinerary, including vehicle identification data or vehicle enforcement system information; video  
120 or photographic images; Social Security or other identification numbers appearing on driver's licenses;  
121 credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll  
122 facility use.

123 18. Information held by the Virginia Lottery pertaining to (i) the social security number, tax  
124 identification number, state sales tax number, home address and telephone number, personal and lottery  
125 banking account and transit numbers of a retailer, and financial information regarding the nonlottery  
126 operations of specific retail locations and (ii) individual lottery winners, except that a winner's name,  
127 hometown, and amount won shall be disclosed.

128 19. Information held by the Board for Branch Pilots relating to the chemical or drug testing of a  
129 person regulated by the Board, where such person has tested negative or has not been the subject of a  
130 disciplinary action by the Board for a positive test result.

131 20. Information pertaining to the planning, scheduling, and performance of examinations of  
132 holder records pursuant to the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.)

133 prepared by or for the State Treasurer or his agents or employees or persons employed to perform an  
134 audit or examination of holder records.

135 21. Information held by the Virginia Department of Emergency Management or a local  
136 governing body relating to citizen emergency response teams established pursuant to an ordinance of a  
137 local governing body that reveal the name, address, including e-mail address, telephone or pager  
138 numbers, or operating schedule of an individual participant in the program.

139 22. Information held by state or local park and recreation departments and local and regional  
140 park authorities concerning identifiable individuals under the age of 18 years. However, nothing in this  
141 subdivision shall operate to authorize the withholding of information defined as directory information  
142 under regulations implementing the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g,  
143 unless the public body has undertaken the parental notification and opt-out requirements provided by  
144 such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian  
145 of such person, unless the parent's parental rights have been terminated or a court of competent  
146 jurisdiction has restricted or denied such access. For such information of persons who are emancipated,  
147 the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the  
148 subject of the information may waive, in writing, the protections afforded by this subdivision. If the  
149 protections are so waived, the public body shall open such information for inspection and copying.

150 23. Information submitted for inclusion in the Statewide Alert Network administered by the  
151 Department of Emergency Management that reveal names, physical addresses, email addresses,  
152 computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable  
153 communications device information, or operating schedules of individuals or agencies, where the release  
154 of such information would compromise the security of the Statewide Alert Network or individuals  
155 participating in the Statewide Alert Network.

156 24. Information held by the Judicial Inquiry and Review Commission made confidential by §  
157 17.1-913.

158 25. Information held by the Virginia Retirement System acting pursuant to § 51.1-124.30, a local  
159 retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement  
160 system), or the Virginia College Savings Plan, acting pursuant to § 23.1-704 relating to:

161 a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings  
162 Plan on the pursuit of particular investment strategies, or the selection or termination of investment  
163 managers, prior to the execution of such investment strategies or the selection or termination of such  
164 managers, if disclosure of such information would have an adverse impact on the financial interest of the  
165 retirement system or the Virginia College Savings Plan; and

166 b. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided by a  
167 private entity to the retirement system or the Virginia College Savings Plan if disclosure of such records  
168 would have an adverse impact on the financial interest of the retirement system or the Virginia College  
169 Savings Plan.

170 For the records specified in subdivision b to be excluded from the provisions of this chapter, the  
171 entity shall make a written request to the retirement system or the Virginia College Savings Plan:

172 (1) Invoking such exclusion prior to or upon submission of the data or other materials for which  
173 protection from disclosure is sought;

174 (2) Identifying with specificity the data or other materials for which protection is sought; and

175 (3) Stating the reasons why protection is necessary.

176 The retirement system or the Virginia College Savings Plan shall determine whether the  
177 requested exclusion from disclosure meets the requirements set forth in subdivision b.

178 Nothing in this subdivision shall be construed to authorize the withholding of the identity or  
179 amount of any investment held or the present value and performance of all asset classes and subclasses.

180 26. Information held by the Department of Corrections made confidential by § 53.1-233.

181 27. Information maintained by the Department of the Treasury or participants in the Local  
182 Government Investment Pool (§ 2.2-4600 et seq.) and required to be provided by such participants to the  
183 Department to establish accounts in accordance with § 2.2-4602.

184 28. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center  
185 Resident Trust Funds concerning residents or patients of the Department of Veterans Services Care  
186 Centers, except that access shall not be denied to the person who is the subject of the information.

187 29. Information maintained in connection with fundraising activities by the Veterans Services  
188 Foundation pursuant to § 2.2-2716 that reveal the address, electronic mail address, facsimile or  
189 telephone number, social security number or other identification number appearing on a driver's license,  
190 or credit card or bank account data of identifiable donors, except that access shall not be denied to the  
191 person who is the subject of the information. Nothing in this subdivision, however, shall be construed to  
192 authorize the withholding of information relating to the amount, date, purpose, and terms of the pledge  
193 or donation or the identity of the donor, unless the donor has requested anonymity in connection with or  
194 as a condition of making a pledge or donation. The exclusion provided by this subdivision shall not  
195 apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the  
196 foundation for the performance of services or other work or (ii) the terms and conditions of such grants  
197 or contracts.

198 30. Names, physical addresses, telephone numbers, and email addresses contained in  
199 correspondence between an individual and a member of the governing body, school board, or other  
200 public body of the locality in which the individual is a resident, unless the correspondence relates to the  
201 transaction of public business. However, no information that is otherwise open to inspection under this  
202 chapter shall be deemed exempt by virtue of the fact that it has been attached to or incorporated within  
203 any such correspondence.

204 31. Information prepared for and utilized by the Commonwealth's Attorneys' Services Council in  
205 the training of state prosecutors or law-enforcement personnel, where such information is not otherwise  
206 available to the public and the disclosure of such information would reveal confidential strategies,  
207 methods, or procedures to be employed in law-enforcement activities or materials created for the  
208 investigation and prosecution of a criminal case.

209 32. Information provided to the Department of Aviation by other entities of the Commonwealth  
210 in connection with the operation of aircraft where the information would not be subject to disclosure by

211 the entity providing the information. The entity providing the information to the Department of Aviation  
212 shall identify the specific information to be protected and the applicable provision of this chapter that  
213 excludes the information from mandatory disclosure.

214 33. Information created or maintained by or on the behalf of the judicial performance evaluation  
215 program related to an evaluation of any individual justice or judge made confidential by § 17.1-100.

216 34. ~~(Effective July 1, 2018) Information held by the Virginia Alcoholic Beverage Control~~  
217 ~~Authority that contains (i) information of a proprietary nature gathered by or in the possession of the~~  
218 ~~Authority from a private entity pursuant to a promise of confidentiality; (ii) trade secrets, as defined in~~  
219 ~~the Uniform Trade Secrets Act (§ 59.1-336 et seq.), of any private entity; (iii) financial information of a~~  
220 ~~private entity, including balance sheets and financial statements, that are not generally available to the~~  
221 ~~public through regulatory disclosure or otherwise; (iv) contract cost estimates prepared for the (a)~~  
222 ~~confidential use in awarding contracts for construction or (b) purchase of goods or services; or (v) the~~  
223 ~~determination of marketing and operational strategies where disclosure of such strategies would be~~  
224 ~~harmful to the competitive position of the Authority.~~

225 ~~In order for the information identified in clauses (i), (ii), or (iii) to be excluded from the~~  
226 ~~provisions of this chapter, the private entity shall make a written request to the Authority:~~

227 ~~a. Invoking such exclusion upon submission of the data or other materials for which protection~~  
228 ~~from disclosure is sought;~~

229 ~~b. Identifying with specificity the data or other materials for which protection is sought; and~~

230 ~~c. Stating the reasons why protection is necessary.~~

231 ~~The Authority shall determine whether the requested exclusion from disclosure is necessary to~~  
232 ~~protect such information of the private entity. The Authority shall make a written determination of the~~  
233 ~~nature and scope of the protection to be afforded by it under this subdivision.~~

234 35. Information reflecting the substance of meetings in which individual sexual assault cases are  
235 discussed by any sexual assault team established pursuant to § 15.2-1627.4. The findings of the team  
236 may be disclosed or published in statistical or other aggregated form that does not disclose the identity  
237 of specific individuals.

238           **§ 2.2-3711. Closed meetings authorized for certain limited purposes.**

239           A. Public bodies may hold closed meetings only for the following purposes:

240           1. Discussion, consideration, or interviews of prospective candidates for employment;  
241 assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of  
242 specific public officers, appointees, or employees of any public body; and evaluation of performance of  
243 departments or schools of public institutions of higher education where such evaluation will necessarily  
244 involve discussion of the performance of specific individuals. Any teacher shall be permitted to be  
245 present during a closed meeting in which there is a discussion or consideration of a disciplinary matter  
246 that involves the teacher and some student and the student involved in the matter is present, provided the  
247 teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing  
248 in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body  
249 or an elected school board to discuss compensation matters that affect the membership of such body or  
250 board collectively.

251           2. Discussion or consideration of admission or disciplinary matters or any other matters that  
252 would involve the disclosure of information contained in a scholastic record concerning any student of  
253 any Virginia public institution of higher education or any state school system. However, any such  
254 student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be  
255 permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if  
256 such student, parents, or guardians so request in writing and such request is submitted to the presiding  
257 officer of the appropriate board.

258           3. Discussion or consideration of the acquisition of real property for a public purpose, or of the  
259 disposition of publicly held real property, where discussion in an open meeting would adversely affect  
260 the bargaining position or negotiating strategy of the public body.

261           4. The protection of the privacy of individuals in personal matters not related to public business.

262           5. Discussion concerning a prospective business or industry or the expansion of an existing  
263 business or industry where no previous announcement has been made of the business' or industry's  
264 interest in locating or expanding its facilities in the community.

265           6. Discussion or consideration of the investment of public funds where competition or bargaining  
266 is involved, where, if made public initially, the financial interest of the governmental unit would be  
267 adversely affected.

268           7. Consultation with legal counsel and briefings by staff members or consultants pertaining to  
269 actual or probable litigation, where such consultation or briefing in open meeting would adversely affect  
270 the negotiating or litigating posture of the public body; and consultation with legal counsel employed or  
271 retained by a public body regarding specific legal matters requiring the provision of legal advice by such  
272 counsel. For the purposes of this subdivision, "probable litigation" means litigation that has been  
273 specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe  
274 will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit  
275 the closure of a meeting merely because an attorney representing the public body is in attendance or is  
276 consulted on a matter.

277           8. In the case of boards of visitors of public institutions of higher education, discussion or  
278 consideration of matters relating to gifts, bequests and fund-raising activities, and grants and contracts  
279 for services or work to be performed by such institution. However, the terms and conditions of any such  
280 gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign  
281 person and accepted by a public institution of higher education in Virginia shall be subject to public  
282 disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision,  
283 (i) "foreign government" means any government other than the United States government or the  
284 government of a state or a political subdivision thereof; (ii) "foreign legal entity" means any legal entity  
285 created under the laws of the United States or of any state thereof if a majority of the ownership of the  
286 stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the  
287 membership of any such entity is composed of foreign persons or foreign legal entities, or any legal  
288 entity created under the laws of a foreign government; and (iii) "foreign person" means any individual  
289 who is not a citizen or national of the United States or a trust territory or protectorate thereof.

290 9. In the case of the boards of trustees of the Virginia Museum of Fine Arts, the Virginia  
291 Museum of Natural History, the Jamestown-Yorktown Foundation, and The Science Museum of  
292 Virginia, discussion or consideration of matters relating to specific gifts, bequests, and grants.

293 10. Discussion or consideration of honorary degrees or special awards.

294 11. Discussion or consideration of tests, examinations, or other information excluded from this  
295 chapter pursuant to subdivision 4 of § 2.2-3705.1.

296 12. Discussion, consideration, or review by the appropriate House or Senate committees of  
297 possible disciplinary action against a member arising out of the possible inadequacy of the disclosure  
298 statement filed by the member, provided the member may request in writing that the committee meeting  
299 not be conducted in a closed meeting.

300 13. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement  
301 or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the  
302 governing body in open meeting finds that an open meeting will have an adverse effect upon the  
303 negotiating position of the governing body or the establishment of the terms, conditions and provisions  
304 of the siting agreement, or both. All discussions with the applicant or its representatives may be  
305 conducted in a closed meeting.

306 14. Discussion by the Governor and any economic advisory board reviewing forecasts of  
307 economic activity and estimating general and nongeneral fund revenues.

308 15. Discussion or consideration of medical and mental health records excluded from this chapter  
309 pursuant to subdivision 1 of § 2.2-3705.5.

310 16. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant  
311 to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent;  
312 and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game  
313 information and studies or investigations exempted from disclosure under subdivision 6 of § 2.2-3705.3  
314 and subdivision 11 of § 2.2-3705.7.

315 17. Those portions of meetings by local government crime commissions where the identity of, or  
316 information tending to identify, individuals providing information about crimes or criminal activities  
317 under a promise of anonymity is discussed or disclosed.

318 18. Those portions of meetings in which the Board of Corrections discusses or discloses the  
319 identity of, or information tending to identify, any prisoner who (i) provides information about crimes or  
320 criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the  
321 apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders  
322 other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

323 19. Discussion of plans to protect public safety as it relates to terrorist activity or specific  
324 cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-  
325 enforcement or emergency service officials concerning actions taken to respond to such matters or a  
326 related threat to public safety; discussion of information excluded from this chapter pursuant to  
327 subdivision 3 or 4 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of  
328 any person or the security of any facility, building, structure, information technology system, or software  
329 program; or discussion of reports or plans related to the security of any governmental facility, building  
330 or structure, or the safety of persons using such facility, building or structure.

331 20. (Effective until October 1, 2016) Discussion by the Board of the Virginia Retirement System,  
332 acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or of  
333 the Rector and Visitors of the University of Virginia, acting pursuant to § 23-76.1, or by the Board of the  
334 Virginia College Savings Plan, acting pursuant to § 23-38.80, regarding the acquisition, holding or  
335 disposition of a security or other ownership interest in an entity, where such security or ownership  
336 interest is not traded on a governmentally regulated securities exchange, to the extent that such  
337 discussion (i) concerns confidential analyses prepared for the Rector and Visitors of the University of  
338 Virginia, prepared by the retirement system or by the Virginia College Savings Plan or provided to the  
339 retirement system or the Virginia College Savings Plan under a promise of confidentiality, of the future  
340 value of such ownership interest or the future financial performance of the entity, and (ii) would have an  
341 adverse effect on the value of the investment to be acquired, held or disposed of by the retirement

342 system, the Rector and Visitors of the University of Virginia, or the Virginia College Savings Plan.  
343 Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the  
344 identity of any investment held, the amount invested or the present value of such investment.

345 20. (Effective October 1, 2016) Discussion by the Board of the Virginia Retirement System,  
346 acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or of  
347 the Rector and Visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of  
348 the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or  
349 disposition of a security or other ownership interest in an entity, where such security or ownership  
350 interest is not traded on a governmentally regulated securities exchange, to the extent that such  
351 discussion (i) concerns confidential analyses prepared for the Rector and Visitors of the University of  
352 Virginia, prepared by the retirement system or by the Virginia College Savings Plan or provided to the  
353 retirement system or the Virginia College Savings Plan under a promise of confidentiality, of the future  
354 value of such ownership interest or the future financial performance of the entity, and (ii) would have an  
355 adverse effect on the value of the investment to be acquired, held or disposed of by the retirement  
356 system, the Rector and Visitors of the University of Virginia, or the Virginia College Savings Plan.  
357 Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the  
358 identity of any investment held, the amount invested or the present value of such investment.

359 21. Those portions of meetings in which individual child death cases are discussed by the State  
360 Child Fatality Review team established pursuant to § 32.1-283.1, those portions of meetings in which  
361 individual child death cases are discussed by a regional or local child fatality review team established  
362 pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by  
363 family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in  
364 which individual adult death cases are discussed by the state Adult Fatality Review Team established  
365 pursuant to § 32.1-283.5, and those portions of meetings in which individual adult death cases are  
366 discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6.

367 22. Those portions of meetings of the University of Virginia Board of Visitors or the Eastern  
368 Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any

369 persons to whom management responsibilities for the University of Virginia Medical Center or Eastern  
370 Virginia Medical School, as the case may be, have been delegated, in which there is discussed  
371 proprietary, business-related information pertaining to the operations of the University of Virginia  
372 Medical Center or Eastern Virginia Medical School, as the case may be, including business development  
373 or marketing strategies and activities with existing or future joint venturers, partners, or other parties  
374 with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case  
375 may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such  
376 information would adversely affect the competitive position of the Medical Center or Eastern Virginia  
377 Medical School, as the case may be.

378 23. In the case of the Virginia Commonwealth University Health System Authority, discussion  
379 or consideration of any of the following: the acquisition or disposition of real or personal property where  
380 disclosure would adversely affect the bargaining position or negotiating strategy of the Authority;  
381 operational plans that could affect the value of such property, real or personal, owned or desirable for  
382 ownership by the Authority; matters relating to gifts, bequests and fund-raising activities; grants and  
383 contracts for services or work to be performed by the Authority; marketing or operational strategies  
384 where disclosure of such strategies would adversely affect the competitive position of the Authority;  
385 members of its medical and teaching staffs and qualifications for appointments thereto; and  
386 qualifications or evaluations of other employees. This exclusion shall also apply when the foregoing  
387 discussions occur at a meeting of the Virginia Commonwealth University Board of Visitors.

388 24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee  
389 within the Department of Health Professions to the extent such discussions identify any practitioner who  
390 may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

391 25. (Effective until October 1, 2016) Meetings or portions of meetings of the Board of the  
392 Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been  
393 provided to the Board or its employees by or on behalf of individuals who have requested information  
394 about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant  
395 to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23 is discussed.

396 25. (Effective October 1, 2016) Meetings or portions of meetings of the Board of the Virginia  
397 College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided  
398 to the Board or its employees by or on behalf of individuals who have requested information about,  
399 applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to  
400 Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

401 26. Discussion or consideration, by the Wireless Carrier E-911 Cost Recovery Subcommittee  
402 created pursuant to § 56-484.15, of trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-  
403 336 et seq.), submitted by CMRS providers as defined in § 56-484.12, related to the provision of  
404 wireless E-911 service.

405 27. Those portions of disciplinary proceedings by any regulatory board within the Department of  
406 Professional and Occupational Regulation, Department of Health Professions, or the Board of  
407 Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach  
408 a decision or meetings of health regulatory boards or conference committees of such boards to consider  
409 settlement proposals in pending disciplinary actions or modifications to previously issued board orders  
410 as requested by either of the parties.

411 28. Discussion or consideration of information excluded from this chapter pursuant to  
412 subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as  
413 those terms are defined in § 33.2-1800, or any independent review panel appointed to review  
414 information and advise the responsible public entity concerning such records.

415 29. Discussion of the award of a public contract involving the expenditure of public funds,  
416 including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where  
417 discussion in an open session would adversely affect the bargaining position or negotiating strategy of  
418 the public body.

419 30. Discussion or consideration of grant or loan application information excluded from this  
420 chapter pursuant to subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or  
421 (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology

422 Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment  
423 Authority.

424 31. Discussion or consideration by the Commitment Review Committee of information excluded  
425 from this chapter pursuant to subdivision 8 of § 2.2-3705.2 relating to individuals subject to  
426 commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

427 32. [Expired.]

428 33. Discussion or consideration of confidential proprietary information and trade secrets  
429 excluded from this chapter pursuant to subdivision 18 of § 2.2-3705.6. However, the exemption  
430 provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act  
431 (§ 15.2-7200 et seq.).

432 34. Discussion or consideration by a local authority created in accordance with the Virginia  
433 Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and  
434 trade secrets excluded from this chapter pursuant to subdivision 19 of § 2.2-3705.6.

435 35. Discussion or consideration by the State Board of Elections or local electoral boards of  
436 voting security matters made confidential pursuant to § 24.2-625.1.

437 36. Discussion or consideration by the Forensic Science Board or the Scientific Advisory  
438 Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of records  
439 excluded from this chapter pursuant to subdivision A 2 a of § 2.2-3706.

440 37. Discussion or consideration by the Brown v. Board of Education Scholarship Program  
441 Awards Committee of information or confidential matters excluded from this chapter pursuant to  
442 subdivision 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual  
443 maximum scholarship award, review and consider scholarship applications and requests for scholarship  
444 award renewal, and cancel, rescind, or recover scholarship awards.

445 38. Discussion or consideration by the Virginia Port Authority of information excluded from this  
446 chapter pursuant to subdivision 1 of § 2.2-3705.6.

447 39. (Effective until October 1, 2016) Discussion or consideration by the Board of Trustees of the  
448 Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee

449 appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by  
450 the Board of the Virginia College Savings Plan acting pursuant to § 23-38.80, or by the Virginia College  
451 Savings Plan's Investment Advisory Committee appointed pursuant to § 23-38.79:1 of information  
452 excluded from this chapter pursuant to subdivision 25 of § 2.2-3705.7.

453 39. (Effective October 1, 2016) Discussion or consideration by the Board of Trustees of the  
454 Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee  
455 appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by  
456 the Board of the Virginia College Savings Plan acting pursuant to § 23.1-706, or by the Virginia College  
457 Savings Plan's Investment Advisory Committee appointed pursuant to § 23.1-702 of information  
458 excluded from this chapter pursuant to subdivision 25 of § 2.2-3705.7.

459 40. Discussion or consideration of information excluded from this chapter pursuant to  
460 subdivision 3 of § 2.2-3705.6.

461 41. Discussion or consideration by the Board of Education of information relating to the denial,  
462 suspension, or revocation of teacher licenses excluded from this chapter pursuant to subdivision 12 of §  
463 2.2-3705.3.

464 42. Those portions of meetings of the Virginia Military Advisory Council or any commission  
465 created by executive order for the purpose of studying and making recommendations regarding  
466 preventing closure or realignment of federal military and national security installations and facilities  
467 located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs  
468 organization appointed by a local governing body, during which there is discussion of information  
469 excluded from this chapter pursuant to subdivision 11 of § 2.2-3705.2.

470 43. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of  
471 information excluded from this chapter pursuant to subdivision 29 of § 2.2-3705.7.

472 44. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of  
473 information excluded from this chapter pursuant to subdivision 23 of § 2.2-3705.6.

474 45. Discussion or consideration by the board of directors of the Commercial Space Flight  
475 Authority of information excluded from this chapter pursuant to subdivision 24 of § 2.2-3705.6.

476 46. Discussion or consideration of personal and proprietary information that are excluded from  
477 the provisions of this chapter pursuant to (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of §  
478 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain  
479 information that has been certified for release by the person who is the subject of the information or  
480 transformed into a statistical or aggregate form that does not allow identification of the person who  
481 supplied, or is the subject of, the information.

482 47. (Effective July 1, 2018) Discussion or consideration by the Board of Directors of the Virginia  
483 Alcoholic Beverage Control Authority of information excluded from this chapter pursuant to subdivision  
484 1 of § 2.2-3705.3 ~~or subdivision 34 of § 2.2-3705.7.~~

485 ~~48. (Effective until October 1, 2016) Discussion or consideration of grant or loan application~~  
486 ~~records excluded from this chapter pursuant to subdivision 28 of § 2.2-3705.6 related to the submission~~  
487 ~~of an application for an award from the Virginia Research Investment Fund pursuant to Chapter 28 (§~~  
488 ~~23-304 et seq.) of Title 23.~~

489 48. (Effective October 1, 2016) Discussion or consideration of grant or loan application records  
490 excluded from this chapter pursuant to subdivision 28 of § 2.2-3705.6 related to the submission of an  
491 application for an award from the Virginia Research Investment Fund pursuant to Article 8 (§ 23.1-3130  
492 et seq.) of Chapter 31 of Title 23.1.

493 49. Discussion or development of grant proposals by a regional council established pursuant to  
494 Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth  
495 and Opportunity Board.

496 B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a  
497 closed meeting shall become effective unless the public body, following the meeting, reconvenes in  
498 open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract,  
499 regulation, or motion that shall have its substance reasonably identified in the open meeting.

500 C. Public officers improperly selected due to the failure of the public body to comply with the  
501 other provisions of this section shall be de facto officers and, as such, their official actions are valid until  
502 they obtain notice of the legal defect in their election.

**503** D. Nothing in this section shall be construed to prevent the holding of conferences between two  
**504** or more public bodies, or their representatives, but these conferences shall be subject to the same  
**505** procedures for holding closed meetings as are applicable to any other public body.

**506** E. This section shall not be construed to (i) require the disclosure of any contract between the  
**507** Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§  
**508** 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to  
**509** the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered  
**510** to issue industrial revenue bonds by general or special law, to identify a business or industry to which  
**511** subdivision A 5 applies. However, such business or industry shall be identified as a matter of public  
**512** record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such  
**513** bonds.

**514** #