

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

1 A BILL to amend and reenact §§ 2.2-3705.1 through 2.2-3705.5 and 2.2-3705.7 of the Code of Virginia,  
2 relating to the Virginia Freedom of Information Act; certain language in record exclusions.

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

4 **1. That §§ 2.2-3705.1 through 2.2-3705.5 and 2.2-3705.7 of the Code of Virginia are amended and**  
5 **reenacted as follows:**

6 **§ 2.2-3705.1. Exclusions to application of chapter; exclusions of general application to**  
7 **public bodies.**

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

12 1. Personnel information concerning identifiable individuals, except that access shall not be  
13 denied to the person who is the subject thereof. Any person who is the subject of such information and  
14 who is 18 years of age or older may waive, in writing, the protections afforded by this subdivision. If the  
15 protections are so waived, such information shall be disclosed. Nothing in this subdivision shall be  
16 construed to authorize the withholding of any resumes or applications submitted by persons who are  
17 appointed by the Governor pursuant to § 2.2-106 or 2.2-107.

18 2. Written advice of legal counsel to state, regional or local public bodies or the officers or  
19 employees of such public bodies, and any other information protected by the attorney-client privilege.

20 3. Legal memoranda and other work product compiled specifically for use in litigation or for use  
21 in an active administrative investigation concerning a matter that is properly the subject of a closed  
22 meeting under § 2.2-3711.

23 4. Any test or examination used, administered or prepared by any public body for purposes of  
24 evaluation of (i) any student or any student's performance, (ii) any employee or employment seeker's

25 qualifications or aptitude for employment, retention, or promotion, or (iii) qualifications for any license  
26 or certificate issued by a public body.

27 As used in this subdivision, "test or examination" shall include (a) any scoring key for any such  
28 test or examination and (b) any other document that would jeopardize the security of the test or  
29 examination. Nothing contained in this subdivision shall prohibit the release of test scores or results as  
30 provided by law, or limit access to individual records as provided by law. However, the subject of such  
31 employment tests shall be entitled to review and inspect all records relative to his performance on such  
32 employment tests.

33 When, in the reasonable opinion of such public body, any such test or examination no longer has  
34 any potential for future use, and the security of future tests or examinations will not be jeopardized, the  
35 test or examination shall be made available to the public. However, minimum competency tests  
36 administered to public school children shall be made available to the public contemporaneously with  
37 statewide release of the scores of those taking such tests, but in no event shall such tests be made  
38 available to the public later than six months after the administration of such tests.

39 5. Records recorded in or compiled exclusively for use in closed meetings lawfully held pursuant  
40 to § 2.2-3711. However, no record that is otherwise open to inspection under this chapter shall be  
41 deemed exempt by virtue of the fact that it has been reviewed or discussed in a closed meeting.

42 6. Vendor proprietary information software that may be in the public records of a public body.  
43 For the purpose of this subdivision, "vendor proprietary information software" means computer  
44 programs acquired from a vendor for purposes of processing data for agencies or political subdivisions  
45 of the Commonwealth.

46 7. Computer software developed by or for a state agency, state-supported institution of higher  
47 education or political subdivision of the Commonwealth.

48 8. Appraisals and cost estimates of real property subject to a proposed purchase, sale, or lease,  
49 prior to the completion of such purchase, sale, or lease.

50 9. Information concerning reserves established in specific claims administered by the  
51 Department of the Treasury through its Division of Risk Management as provided in Article 5 (§ 2.2-

52 1832 et seq.) of Chapter 18, or by any county, city, or town; and investigative notes, correspondence and  
53 information furnished in confidence with respect to an investigation of a claim or a potential claim  
54 against a public body's insurance policy or self-insurance plan. However, nothing in this subdivision  
55 shall ~~authorize the withholding prevent the disclosure~~ of information taken from inactive reports upon  
56 expiration of the period of limitations for the filing of a civil suit.

57 10. Personal information, as defined in § 2.2-3801, including electronic mail addresses, furnished  
58 to a public body for the purpose of receiving electronic mail from the public body, provided that the  
59 electronic mail recipient has requested that the public body not disclose such information. However,  
60 access shall not be denied to the person who is the subject of the record.

61 11. Communications and materials required to be kept confidential pursuant to § 2.2-4119 of the  
62 Virginia Administrative Dispute Resolution Act (§ 2.2-4115 et seq.).

63 12. Information relating to the negotiation and award of a specific contract where competition or  
64 bargaining is involved and where the release of such information would adversely affect the bargaining  
65 position or negotiating strategy of the public body. Such information shall not be withheld after the  
66 public body has made a decision to award or not to award the contract. In the case of procurement  
67 transactions conducted pursuant to the Virginia Public Procurement Act (§ 2.2-4300 et seq.), the  
68 provisions of this subdivision shall not apply, and any release of information relating to such  
69 transactions shall be governed by the Virginia Public Procurement Act.

70 13. Account numbers or routing information for any credit card, debit card, or other account with  
71 a financial institution of any person or public body. However, access shall not be denied to the person  
72 who is the subject of the information. For the purposes of this subdivision, "financial institution" means  
73 any organization authorized to do business under state or federal laws relating to financial institutions,  
74 including, without limitation, banks and trust companies, savings banks, savings and loan companies or  
75 associations, and credit unions.

76 **§ 2.2-3705.2. Exclusions to application of chapter; records relating to public safety.**

77 The following information contained in a public record is excluded from the mandatory  
78 disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except

79 where such disclosure is prohibited by law. Redaction of information excluded under this section from a  
80 public record shall be conducted in accordance with § 2.2-3704.01.

81 1. Confidential information, including victim identity, provided to or obtained by staff in a rape  
82 crisis center or a program for battered spouses.

83 2. Information contained in engineering and construction drawings and plans submitted for the  
84 sole purpose of complying with the Building Code in obtaining a building permit if disclosure of such  
85 information would identify specific trade secrets or other information that would be harmful to the  
86 competitive position of the owner or lessee. However, such information shall be exempt only until the  
87 building is completed. Information relating to the safety or environmental soundness of any building  
88 shall not be exempt from disclosure.

89 Information contained in engineering and construction drawings and plans that reveal critical  
90 structural components, security equipment and systems, ventilation systems, fire protection equipment,  
91 mandatory building emergency equipment or systems, elevators, electrical systems, telecommunications  
92 equipment and systems, and other utility equipment and systems submitted for the purpose of complying  
93 with the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§  
94 27-94 et seq.) if disclosure of such information would jeopardize the safety or security of any public or  
95 private commercial office, multifamily residential, or retail building or its occupants in the event of  
96 terrorism or other threat to public safety. In order for the information to be excluded from mandatory  
97 disclosure, the owner or lessee of such property, equipment, or system in writing shall (i) invoke the  
98 protections of this paragraph; (ii) identify the drawings, plans, or other materials to be protected; and  
99 (iii) state the reasons why protection is necessary.

100 Nothing in this subdivision shall ~~authorize the withholding~~ prevent the disclosure of information  
101 relating to any building in connection with an inquiry into the performance of that building after it has  
102 been subjected to fire, explosion, natural disaster, or other catastrophic event.

103 3. Information that describes the design, function, operation, or access control features of any  
104 security system, whether manual or automated, which is used to control access to or use of any  
105 automated data processing or telecommunications system.

106 4. Information concerning the prevention or response to terrorist activity or cyber attacks,  
107 including (i) critical infrastructure information; (ii) vulnerability assessments, operational, procedural,  
108 transportation, and tactical planning or training manuals, and staff meeting minutes; (iii) engineering or  
109 architectural plans or drawings, or information derived from such plans or drawings; and (iv)  
110 information not lawfully available to the public regarding specific cybersecurity threats or vulnerabilities  
111 or security plans and measures of an entity, facility, building, structure, information technology system,  
112 or software program if disclosure of such information would (a) reveal the location or operation of  
113 security equipment and systems, elevators, ventilation, fire protection, emergency, electrical,  
114 telecommunications or utility equipment and systems of any public building, structure or information  
115 storage facility, or telecommunications or utility equipment or systems or (b) jeopardize the safety of  
116 any person.

117 The same categories of information concerning any person or entity submitted to a public body  
118 for the purpose of antiterrorism response planning or cybersecurity planning or protection may be  
119 withheld from disclosure if such person or entity in writing (1) invokes the protections of this  
120 subdivision, (2) identifies with specificity the information for which protection is sought, and (3) states  
121 with reasonable particularity why the protection of such information from public disclosure is necessary  
122 to meet the objective of antiterrorism, cybersecurity planning or protection, or critical infrastructure  
123 information security and resilience. Such statement shall be a public record and shall be disclosed upon  
124 request.

125 Any public body receiving a request for records excluded under this subdivision shall notify the  
126 Secretary of Public Safety and Homeland Security or his designee of such request and the response  
127 made by the public body in accordance with § 2.2-3704.

128 Nothing in this subdivision shall be construed to ~~authorize the withholding prevent the disclosure~~  
129 of information relating to the structural or environmental soundness of any building, nor shall it  
130 ~~authorize the withholding prevent the disclosure~~ of information relating to any building in connection  
131 with an inquiry into the performance of that building after it has been subjected to fire, explosion,  
132 natural disaster, or other catastrophic event.

133 As used in this subdivision, "critical infrastructure information" means the same as that term is  
134 defined in 6 U.S.C. § 131.

135 5. Information that would disclose the security aspects of a system safety program plan adopted  
136 pursuant to 49 C.F.R. Part 659 by the Commonwealth's designated Rail Fixed Guideway Systems Safety  
137 Oversight agency; and information in the possession of such agency, the release of which would  
138 jeopardize the success of an ongoing investigation of a rail accident or other incident threatening railway  
139 safety.

140 6. Information contained in engineering and architectural drawings, operational, procedural,  
141 tactical planning or training manuals, or staff meeting minutes if disclosure of such information would  
142 (i) reveal surveillance techniques, personnel deployments, alarm or security systems or technologies, or  
143 operational and transportation plans or protocols or (ii) jeopardize the security of any governmental  
144 facility, building, or structure or the safety of persons using such facility, building, or structure.

145 7. Information concerning security plans and specific assessment components of school safety  
146 audits, as provided in § 22.1-279.8.

147 Nothing in this subdivision shall be construed to ~~authorize the withholding prevent the disclosure~~  
148 of information relating to the effectiveness of security plans after (i) any school building or property has  
149 been subjected to fire, explosion, natural disaster, or other catastrophic event or (ii) any person on school  
150 property has suffered or been threatened with any personal injury.

151 8. Information concerning the mental health assessment of an individual subject to commitment  
152 as a sexually violent predator under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2 held by the Commitment  
153 Review Committee; except that in no case shall information identifying the victims of a sexually violent  
154 predator be disclosed.

155 9. Subscriber data provided directly or indirectly by a telecommunications carrier to a public  
156 body that operates a 911 or E-911 emergency dispatch system or an emergency notification or reverse  
157 911 system if the data is in a form not made available by the telecommunications carrier to the public  
158 generally. Nothing in this subdivision shall ~~authorize the withholding prevent the disclosure~~ of  
159 subscriber data generated in connection with specific calls to a 911 emergency system, where the

160 requester is seeking to obtain public records about the use of the system in response to a specific crime,  
161 emergency or other event as to which a citizen has initiated a 911 call.

162 For the purposes of this subdivision, "subscriber data" means the name, address, telephone  
163 number, and any other information identifying a subscriber of a telecommunications carrier.

164 10. Subscriber data collected by a local governing body in accordance with the Enhanced Public  
165 Safety Telephone Services Act (§ 56-484.12 et seq.) and other identifying information of a personal,  
166 medical, or financial nature provided to a local governing body in connection with a 911 or E-911  
167 emergency dispatch system or an emergency notification or reverse 911 system if such records are not  
168 otherwise publicly available.

169 Nothing in this subdivision shall ~~authorize the withholding~~ prevent the disclosure of subscriber  
170 data generated in connection with specific calls to a 911 emergency system, where the requester is  
171 seeking to obtain public records about the use of the system in response to a specific crime, emergency  
172 or other event as to which a citizen has initiated a 911 call.

173 For the purposes of this subdivision, "subscriber data" means the name, address, telephone  
174 number, and any other information identifying a subscriber of a telecommunications carrier.

175 11. Information held by the Virginia Military Advisory Council or any commission created by  
176 executive order for the purpose of studying and making recommendations regarding preventing closure  
177 or realignment of federal military and national security installations and facilities located in Virginia and  
178 relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a  
179 local governing body, that would (i) reveal strategies under consideration or development by the Council  
180 or such commission or organizations to prevent the closure or realignment of federal military  
181 installations located in Virginia or the relocation of national security facilities located in Virginia, to  
182 limit the adverse economic effect of such realignment, closure, or relocation, or to seek additional tenant  
183 activity growth from the Department of Defense or federal government or (ii) disclose trade secrets, as  
184 defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided to the Council or such  
185 commission or organizations in connection with their work.

186 In order to invoke the trade secret protection provided by clause (ii), the submitting entity shall,  
187 in writing and at the time of submission (a) invoke this exclusion, (b) identify with specificity the  
188 information for which such protection is sought, and (c) state the reason why such protection is  
189 necessary. Nothing in this subdivision shall be construed to authorize the withholding of all or part of  
190 any record, other than a trade secret that has been specifically identified as required by this subdivision,  
191 after the Department of Defense or federal agency has issued a final, unappealable decision, or in the  
192 event of litigation, a court of competent jurisdiction has entered a final, unappealable order concerning  
193 the closure, realignment, or expansion of the military installation or tenant activities, or the relocation of  
194 the national security facility, for which records are sought.

195 12. Information, as determined by the State Comptroller, that describes the design, function,  
196 operation, or implementation of internal controls over the Commonwealth's financial processes and  
197 systems, and the assessment of risks and vulnerabilities of those controls, including the annual  
198 assessment of internal controls mandated by the State Comptroller, if disclosure of such information  
199 would jeopardize the security of the Commonwealth's financial assets. However, records relating to the  
200 investigation of and findings concerning the soundness of any fiscal process shall be disclosed in a form  
201 that does not compromise internal controls. Nothing in this subdivision shall be construed to prohibit the  
202 Auditor of Public Accounts or the Joint Legislative Audit and Review Commission from reporting  
203 internal control deficiencies discovered during the course of an audit.

204 13. Information relating to the Statewide Agencies Radio System (STARS) or any other similar  
205 local or regional public safety communications system that (i) describes the design, function,  
206 programming, operation, or access control features of the overall system, components, structures,  
207 individual networks, and subsystems of the STARS or any other similar local or regional  
208 communications system or (ii) relates to radio frequencies assigned to or utilized by STARS or any other  
209 similar local or regional communications system, code plugs, circuit routing, addressing schemes, talk  
210 groups, fleet maps, encryption, programming maintained by or utilized by STARS or any other similar  
211 local or regional public safety communications system; those engineering and construction drawings and  
212 plans that reveal critical structural components, interconnectivity, security equipment and systems,

213 network monitoring, network operation center, master sites, ventilation systems, fire protection  
214 equipment, mandatory building emergency equipment, electrical systems, and other utility equipment  
215 and systems related to STARS or any other similar local or regional public safety communications  
216 system; and special event plans, operational plans, storm plans, or other pre-arranged programming, if  
217 disclosure of such information would (a) reveal surveillance techniques, personnel deployments, alarm  
218 or security systems or technologies, or operational and transportation plans or protocols or (b) jeopardize  
219 the security of any governmental facility, building, or structure or the safety of any person.

220 14. Information concerning a salaried or volunteer Fire/EMS company or Fire/EMS department  
221 if disclosure of such information would reveal the telephone numbers for cellular telephones, pagers, or  
222 comparable portable communication devices provided to its personnel for use in the performance of  
223 their official duties.

224 15. Information concerning the disaster recovery plans or the evacuation plans in the event of  
225 fire, explosion, natural disaster, or other catastrophic event for hospitals and nursing homes regulated by  
226 the Board of Health pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 provided to the Department  
227 of Health. Nothing in this subdivision shall be construed to ~~authorize the withholding prevent the~~  
228 disclosure of information relating to the effectiveness of executed evacuation plans after the occurrence  
229 of fire, explosion, natural disaster, or other catastrophic event.

230 16. Records received by the Department of Criminal Justice Services pursuant to §§ 9.1-184,  
231 22.1-79.4, and 22.1-279.8 or for purposes of evaluating threat assessment teams established by a public  
232 institution of higher education pursuant to § 23.1-805 or by a private nonprofit institution of higher  
233 education, to the extent such records reveal security plans, walk-through checklists, or vulnerability and  
234 threat assessment components.

235 **§ 2.2-3705.3. Exclusions to application of chapter; records relating to administrative**  
236 **investigations.**

237 The following information contained in a public record is excluded from the mandatory  
238 disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except

239 where such disclosure is prohibited by law. Redaction of information excluded under this section from a  
240 public record shall be conducted in accordance with § 2.2-3704.01.

241 1. (Effective until July 1, 2018) Information relating to investigations of applicants for licenses  
242 and permits, and of all licensees and permittees, made by or submitted to the Alcoholic Beverage  
243 Control Board, the Virginia Lottery, the Virginia Racing Commission, the Department of Agriculture  
244 and Consumer Services relating to investigations and applications pursuant to Article 1.1:1 (§ 18.2-  
245 340.15 et seq.) of Chapter 8 of Title 18.2, or the Private Security Services Unit of the Department of  
246 Criminal Justice Services.

247 1. (Effective July 1, 2018) Information relating to investigations of applicants for licenses and  
248 permits, and of all licensees and permittees, made by or submitted to the Virginia Alcoholic Beverage  
249 Control Authority, the Virginia Lottery, the Virginia Racing Commission, the Department of  
250 Agriculture and Consumer Services relating to investigations and applications pursuant to Article 1.1:1  
251 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, or the Private Security Services Unit of the  
252 Department of Criminal Justice Services.

253 2. Records of active investigations being conducted by the Department of Health Professions or  
254 by any health regulatory board in the Commonwealth pursuant to § 54.1-108.

255 3. Investigator notes, and other correspondence and information, furnished in confidence with  
256 respect to an active investigation of individual employment discrimination complaints made to the  
257 Department of Human Resource Management, to such personnel of any local public body, including  
258 local school boards, as are responsible for conducting such investigations in confidence, or to any public  
259 institution of higher education. ~~Information contained in~~ However, nothing in this subdivision shall  
260 prevent the disclosure of information taken from inactive reports ~~shall be disclosed~~ in a form that does  
261 not reveal the identity of charging parties, persons supplying the information, or other individuals  
262 involved in the investigation.

263 4. Records of active investigations being conducted by the Department of Medical Assistance  
264 Services pursuant to Chapter 10 (§ 32.1-323 et seq.) of Title 32.1.

265 5. Investigative notes and other correspondence and information furnished in confidence with  
266 respect to an investigation or conciliation process involving an alleged unlawful discriminatory practice  
267 under the Virginia Human Rights Act (§ 2.2-3900 et seq.) or under any local ordinance adopted in  
268 accordance with the authority specified in § 2.2-524, or adopted pursuant to § 15.2-965, or adopted prior  
269 to July 1, 1987, in accordance with applicable law, relating to local human rights or human relations  
270 commissions. ~~Information contained in~~ However, nothing in this subdivision shall prevent the disclosure  
271 of information taken from inactive reports ~~shall be disclosed~~ in a form that does not reveal the identity of  
272 the parties involved or other persons supplying information.

273 6. Information relating to studies and investigations by the Virginia Lottery of (i) lottery agents,  
274 (ii) lottery vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the law or  
275 regulations that cause abuses in the administration and operation of the lottery and any evasions of such  
276 provisions, or (v) the use of the lottery as a subterfuge for organized crime and illegal gambling where  
277 such information has not been publicly released, published or copyrighted. All studies and investigations  
278 referred to under clauses (iii), (iv), and (v) shall be open to inspection and copying upon completion of  
279 the study or investigation.

280 7. Investigative notes, correspondence and information furnished in confidence, and records  
281 otherwise exempted by this chapter or any Virginia statute, provided to or produced by or for (i) the  
282 Auditor of Public Accounts; (ii) the Joint Legislative Audit and Review Commission; (iii) an appropriate  
283 authority as defined in § 2.2-3010 with respect to an allegation of wrongdoing or abuse under the Fraud  
284 and Abuse Whistle Blower Protection Act (§ 2.2-3009 et seq.); (iv) the Office of the State Inspector  
285 General with respect to an investigation initiated through the Fraud, Waste and Abuse Hotline or an  
286 investigation initiated pursuant to Chapter 3.2 (§ 2.2-307 et seq.); (v) internal auditors appointed by the  
287 head of a state agency or by any public institution of higher education; (vi) the committee or the auditor  
288 with respect to an investigation or audit conducted pursuant to § 15.2-825; or (vii) the auditors,  
289 appointed by the local governing body of any county, city, or town or a school board, who by charter,  
290 ordinance, or statute have responsibility for conducting an investigation of any officer, department, or  
291 program of such body. Information contained in completed investigations shall be disclosed in a form

292 that does not reveal the identity of the complainants or persons supplying information to investigators.  
293 Unless disclosure is excluded by this subdivision, the information disclosed shall include the agency  
294 involved, the identity of the person who is the subject of the complaint, the nature of the complaint, and  
295 the actions taken to resolve the complaint. If an investigation does not lead to corrective action, the  
296 identity of the person who is the subject of the complaint may be released only with the consent of the  
297 subject person. Local governing bodies shall adopt guidelines to govern the disclosure required by this  
298 subdivision.

299 8. Information furnished in confidence to the Department of Human Resource Management with  
300 respect to an investigation, consultation, or mediation under § 2.2-1202.1, and memoranda,  
301 correspondence and other records resulting from any such investigation, consultation or mediation.  
302 ~~Information contained in~~ However, nothing in this subdivision shall prevent the disclosure of  
303 information taken from inactive reports ~~shall be disclosed~~ in a form that does not reveal the identity of  
304 the parties involved or other persons supplying information.

305 9. The names, addresses and telephone numbers of complainants furnished in confidence with  
306 respect to an investigation of individual zoning enforcement complaints or complaints relating to the  
307 Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et  
308 seq.) made to a local governing body.

309 10. Records of active investigations being conducted by the Department of Criminal Justice  
310 Services pursuant to Article 4 (§ 9.1-138 et seq.), Article 4.1 (§ 9.1-150.1 et seq.), Article 11 (§ 9.1-185  
311 et seq.), and Article 12 (§ 9.1-186 et seq.) of Chapter 1 of Title 9.1.

312 11. Information furnished to or prepared by the Board of Education pursuant to subsection D of §  
313 22.1-253.13:3 in connection with the review or investigation of any alleged breach in security,  
314 unauthorized alteration, or improper administration of tests by local school board employees responsible  
315 for the distribution or administration of the tests. However, this section shall not prohibit the disclosure  
316 of such information to (i) a local school board or division superintendent for the purpose of permitting  
317 such board or superintendent to consider or to take personnel action with regard to an employee or (ii)  
318 any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the

319 identity of any person making a complaint or supplying information to the Board on a confidential basis  
320 and (b) does not compromise the security of any test mandated by the Board.

321 12. Information contained in (i) an application for licensure or renewal of a license for teachers  
322 and other school personnel, including transcripts or other documents submitted in support of an  
323 application, and (ii) an active investigation conducted by or for the Board of Education related to the  
324 denial, suspension, cancellation, revocation, or reinstatement of teacher and other school personnel  
325 licenses including investigator notes and other correspondence and information, furnished in confidence  
326 with respect to such investigation. However, this subdivision shall not prohibit the disclosure of such (a)  
327 application information to the applicant at his own expense or (b) investigation information to a local  
328 school board or division superintendent for the purpose of permitting such board or superintendent to  
329 consider or to take personnel action with regard to an employee. Information contained in completed  
330 investigations shall be disclosed in a form that does not reveal the identity of any complainant or person  
331 supplying information to investigators. The completed investigation information disclosed shall include  
332 information regarding the school or facility involved, the identity of the person who was the subject of  
333 the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an  
334 investigation fails to support a complaint or does not lead to corrective action, the identity of the person  
335 who was the subject of the complaint may be released only with the consent of the subject person. No  
336 personally identifiable information regarding a current or former student shall be released except as  
337 permitted by state or federal law.

338 13. Information provided in confidence and related to an investigation by the Attorney General  
339 under Article 1 (§ 3.2-4200 et seq.) or Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2, Article  
340 10 (§ 18.2-246.6 et seq.) of Chapter 6 or Chapter 13 (§ 18.2-512 et seq.) of Title 18.2, or Article 1 (§  
341 58.1-1000) of Chapter 10 of Title 58.1. However, information related to an investigation that has been  
342 inactive for more than six months shall, upon request, be disclosed provided such disclosure is not  
343 otherwise prohibited by law and does not reveal the identity of charging parties, complainants, persons  
344 supplying information, witnesses, or other individuals involved in the investigation.

**345 § 2.2-3705.4. Exclusions to application of chapter; educational records and certain records**  
**346 of educational institutions.**

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

**351** 1. Scholastic records containing information concerning identifiable individuals, except that such  
**352** access shall not be denied to the person who is the subject thereof, or the parent or legal guardian of the  
**353** student. However, no student shall have access to (i) financial records of a parent or guardian or (ii)  
**354** records of instructional, supervisory, and administrative personnel and educational personnel ancillary  
**355** thereto, that are in the sole possession of the maker thereof and that are not accessible or revealed to any  
**356** other person except a substitute.

**357** The parent or legal guardian of a student may prohibit, by written request, the release of any  
**358** individual information regarding that student until the student reaches the age of 18 years. For scholastic  
**359** records of students under the age of 18 years, the right of access may be asserted only by his legal  
**360** guardian or parent, including a noncustodial parent, unless such parent's parental rights have been  
**361** terminated or a court of competent jurisdiction has restricted or denied such access. For scholastic  
**362** records of students who are emancipated or attending a state-supported institution of higher education,  
**363** the right of access may be asserted by the student.

**364** Any person who is the subject of any scholastic record and who is 18 years of age or older may  
**365** waive, in writing, the protections afforded by this subdivision. If the protections are so waived, such  
**366** records shall be disclosed.

**367** 2. Confidential letters and statements of recommendation placed in the records of educational  
**368** agencies or institutions respecting (i) admission to any educational agency or institution, (ii) an  
**369** application for employment or promotion, or (iii) receipt of an honor or honorary recognition.

370 3. Information held by the Brown v. Board of Education Scholarship Awards Committee that  
371 would reveal personally identifiable information, including scholarship applications, personal financial  
372 information, and confidential correspondence and letters of recommendation.

373 4. Information of a proprietary nature produced or collected by or for faculty or staff of public  
374 institutions of higher education, other than the institutions' financial or administrative records, in the  
375 conduct of or as a result of study or research on medical, scientific, technical or scholarly issues,  
376 whether sponsored by the institution alone or in conjunction with a governmental body or a private  
377 concern, where such information has not been publicly released, published, copyrighted or patented.

378 5. Information held by the University of Virginia or the University of Virginia Medical Center or  
379 Eastern Virginia Medical School, as the case may be, that contain proprietary, business-related  
380 information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia  
381 Medical School, as the case may be, including business development or marketing strategies and  
382 activities with existing or future joint venturers, partners, or other parties with whom the University of  
383 Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms,  
384 any arrangement for the delivery of health care, if disclosure of such information would be harmful to  
385 the competitive position of the University of Virginia Medical Center or Eastern Virginia Medical  
386 School, as the case may be.

387 6. Personal information, as defined in § 2.2-3801, provided to the Board of the Virginia College  
388 Savings Plan or its employees by or on behalf of individuals who have requested information about,  
389 applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to  
390 Chapter 7 (§ 23.1-700 et seq.) of Title 23.1. However, nothing in this subdivision shall prevent the  
391 disclosure or publication of information in a statistical or other form that does not identify individuals or  
392 provide personal information ~~shall be disclosed and may be published by the Board~~. Individuals shall be  
393 provided access to their own personal information.

394 7. Information maintained in connection with fundraising activities by or for a public institution  
395 of higher education that would reveal (i) personal fundraising strategies relating to identifiable donors or  
396 prospective donors or (ii) wealth assessments; estate, financial, or tax planning information; health-

397 related information; employment, familial, or marital status information; electronic mail addresses,  
398 facsimile or telephone numbers; birth dates or social security numbers of identifiable donors or  
399 prospective donors. Nothing in this subdivision, however, shall be construed to authorize the  
400 withholding of information relating to the amount, date, purpose, and terms of the pledge or donation, or  
401 the identity of the donor unless the donor has requested anonymity in connection with or as a condition  
402 of making a pledge or donation. The exclusion provided by this subdivision shall not apply to protect  
403 from disclosure (i) the identities of sponsors providing grants to or contracting with the institution for  
404 the performance of research services or other work or (ii) the terms and conditions of such grants or  
405 contracts.

406 8. Information held by a threat assessment team established by a local school board pursuant to §  
407 22.1-79.4 or by a public institution of higher education pursuant to § 23.1-805 relating to the assessment  
408 or intervention with a specific individual. However, in the event an individual who has been under  
409 assessment commits an act, or is prosecuted for the commission of an act that has caused the death of, or  
410 caused serious bodily injury, including any felony sexual assault, to another person, such information of  
411 the threat assessment team concerning the individual under assessment shall be made available as  
412 provided by this chapter, with the exception of any criminal history records obtained pursuant to § 19.2-  
413 389 or 19.2-389.1, health records obtained pursuant to § 32.1-127.1:03, or scholastic records as defined  
414 in § 22.1-289. The public body providing such information shall remove personally identifying  
415 information of any person who provided information to the threat assessment team under a promise of  
416 confidentiality.

417 **§ 2.2-3705.5. Exclusions to application of chapter; health and social services records.**

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

422 1. Health records, except that such records may be personally reviewed by the individual who is  
423 the subject of such records, as provided in subsection F of § 32.1-127.1:03.

424           Where the person who is the subject of health records is confined in a state or local correctional  
425 facility, the administrator or chief medical officer of such facility may assert such confined person's right  
426 of access to the health records if the administrator or chief medical officer has reasonable cause to  
427 believe that such confined person has an infectious disease or other medical condition from which other  
428 persons so confined need to be protected. Health records shall only be reviewed and shall not be copied  
429 by such administrator or chief medical officer. The information in the health records of a person so  
430 confined shall continue to be confidential and shall not be disclosed by the administrator or chief  
431 medical officer of the facility to any person except the subject or except as provided by law.

432           Where the person who is the subject of health records is under the age of 18, his right of access  
433 may be asserted only by his guardian or his parent, including a noncustodial parent, unless such parent's  
434 parental rights have been terminated, a court of competent jurisdiction has restricted or denied such  
435 access, or a parent has been denied access to the health record in accordance with § 20-124.6. In  
436 instances where the person who is the subject thereof is an emancipated minor, a student in a public  
437 institution of higher education, or is a minor who has consented to his own treatment as authorized by §  
438 16.1-338 or 54.1-2969, the right of access may be asserted by the subject person.

439           For the purposes of this chapter, statistical summaries of incidents and statistical data concerning  
440 abuse of individuals receiving services compiled by the Commissioner of Behavioral Health and  
441 Developmental Services shall be disclosed. No such summaries or data shall include any information  
442 that identifies specific individuals receiving services.

443           2. Applications for admission to examinations or for licensure and scoring records maintained by  
444 the Department of Health Professions or any board in that department on individual licensees or  
445 applicants. However, such material may be made available during normal working hours for copying, at  
446 the requester's expense, by the individual who is the subject thereof, in the offices of the Department of  
447 Health Professions or in the offices of any health regulatory board, whichever may possess the material.

448           3. Reports, documentary evidence and other information as specified in §§ 51.5-122, 51.5-141,  
449 and 63.2-104.

450 4. Investigative notes; proprietary information not published, copyrighted or patented;  
451 information obtained from employee personnel records; personally identifiable information regarding  
452 residents, clients or other recipients of services; other correspondence and information furnished in  
453 confidence to the Department of Social Services in connection with an active investigation of an  
454 applicant or licensee pursuant to Chapters 17 (§ 63.2-1700 et seq.) and 18 (§ 63.2-1800 et seq.) of Title  
455 63.2; and information furnished to the Office of the Attorney General in connection with an  
456 investigation or litigation pursuant to Article 19.1 (§ 8.01-216.1 et seq.) of Chapter 3 of Title 8.01 and  
457 Chapter 9 (§ 32.1-310 et seq.) of Title 32.1. ~~Information-However, nothing in this subdivision shall~~  
458 ~~prevent the disclosure of information taken~~ from the records of completed investigations ~~shall be~~  
459 ~~disclosed~~ in a form that does not reveal the identity of complainants, persons supplying information, or  
460 other individuals involved in the investigation.

461 5. Information collected for the designation and verification of trauma centers and other specialty  
462 care centers within the Statewide Emergency Medical Services System and Services pursuant to Article  
463 2.1 (§ 32.1-111.1 et seq.) of Chapter 4 of Title 32.1.

464 6. Reports and court documents relating to involuntary admission required to be kept confidential  
465 pursuant to § 37.2-818.

466 7. Data formerly required to be submitted to the Commissioner of Health relating to the  
467 establishment of new or the expansion of existing clinical health services, acquisition of major medical  
468 equipment, or certain projects requiring capital expenditures pursuant to former § 32.1-102.3:4.

469 8. Information required to be provided to the Department of Health Professions by certain  
470 licensees pursuant to § 54.1-2506.1.

471 9. Information acquired (i) during a review of any child death conducted by the State Child  
472 Fatality Review team established pursuant to § 32.1-283.1 or by a local or regional child fatality review  
473 team to the extent that such information is made confidential by § 32.1-283.2; (ii) during a review of any  
474 death conducted by a family violence fatality review team to the extent that such information is made  
475 confidential by § 32.1-283.3; or (iii) during a review of any adult death conducted by the Adult Fatality

476 Review Team to the extent made confidential by § 32.1-283.5 or by a local or regional adult fatality  
477 review team to the extent that such information is made confidential by § 32.1-283.6.

478 10. Patient level data collected by the Board of Health and not yet processed, verified, and  
479 released, pursuant to § 32.1-276.9, to the Board by the nonprofit organization with which the  
480 Commissioner of Health has contracted pursuant to § 32.1-276.4.

481 11. Information held by the Health Practitioners' Monitoring Program Committee within the  
482 Department of Health Professions that may identify any practitioner who may be, or who is actually,  
483 impaired and disclosure of such information is prohibited by § 54.1-2517.

484 12. Information relating to a grant application, or accompanying a grant application, submitted to  
485 the Commonwealth Neurotrauma Initiative Advisory Board pursuant to Article 12 (§ 51.5-178 et seq.)  
486 of Chapter 14 of Title 51.5 that would (i) reveal (a) medical or mental health records or other data  
487 identifying individual patients or (b) proprietary business or research-related information produced or  
488 collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative,  
489 scientific, technical, or scholarly issues, when such information has not been publicly released,  
490 published, copyrighted, or patented, and (ii) be harmful to the competitive position of the applicant.

491 13. Any information copied, recorded, or received by the Commissioner of Health in the course  
492 of an examination, investigation, or review of a managed care health insurance plan licensee pursuant to  
493 §§ 32.1-137.4 and 32.1-137.5, including books, records, files, accounts, papers, documents, and any or  
494 all computer or other recordings.

495 14. Information and statistical registries required to be kept confidential pursuant to §§ 63.2-102  
496 and 63.2-104.

497 15. Information relating to the prescribing and dispensing of covered substances to recipients and  
498 any abstracts from such information that are in the possession of the Prescription Monitoring Program  
499 pursuant to Chapter 25.2 (§ 54.1-2519 et seq.) of Title 54.1 and any material relating to the operation or  
500 security of the Program.

501 16. Records of the Virginia Birth-Related Neurological Injury Compensation Program required  
502 to be kept confidential pursuant to § 38.2-5002.2.

503 17. Information held by the State Health Commissioner relating to the health of any person  
504 subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.)  
505 of Chapter 2 of Title 32.1. However, nothing in this subdivision shall be construed to ~~authorize the~~  
506 ~~withholding of~~ prevent the disclosure of statistical summaries, abstracts, or other information in  
507 aggregate form.

508 18. The names and addresses or other contact information of persons receiving transportation  
509 services from a state or local public body or its designee under Title II of the Americans with  
510 Disabilities Act, (42 U.S.C. § 12131 et seq.) or funded by Temporary Assistance for Needy Families  
511 (TANF) created under § 63.2-600.

512 19. Information held by certain health care committees and entities that may be withheld from  
513 discovery as privileged communications pursuant to § 8.01-581.17.

514 **§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and**  
515 **certain other limited exclusions.**

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

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

522 2. Working papers and correspondence of the Office of the Governor; the Lieutenant Governor;  
523 the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the  
524 Clerks of the House of Delegates and the Senate of Virginia; the mayor or chief executive officer of any  
525 political subdivision of the Commonwealth; or the president or other chief executive officer of any  
526 public institution of higher education in Virginia. However, no information that is otherwise open to  
527 inspection under this chapter shall be deemed excluded by virtue of the fact that it has been attached to  
528 or incorporated within any working paper or correspondence. Nothing in this subdivision shall be

529 construed to authorize the withholding of any resumes or applications submitted by persons who are  
530 appointed by the Governor pursuant to § 2.2-106 or 2.2-107.

531 As used in this subdivision:

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

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

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

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

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

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

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

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

554 8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing  
555 Development Authority concerning individuals who have applied for or received loans or other housing

556 assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise  
557 assisted by the Virginia Housing Development Authority; (ii) concerning persons participating in or  
558 persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local  
559 redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or  
560 persons on the waiting list for housing assistance programs funded by local governments or by any such  
561 authority; or (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or  
562 any other local government agency concerning persons who have applied for occupancy or who have  
563 occupied affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access  
564 to one's own information shall not be denied.

565 9. Information regarding the siting of hazardous waste facilities, except as provided in § 10.1-  
566 1441, if disclosure of such information would have a detrimental effect upon the negotiating position of  
567 a governing body or on the establishment of the terms, conditions, and provisions of the siting  
568 agreement.

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

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

582 12. Information held by the Virginia Retirement System, acting pursuant to § 51.1-124.30, or a  
583 local retirement system, acting pursuant to § 51.1-803, or the Rector and Visitors of the University of  
584 Virginia, acting pursuant to § 23.1-2210, or the Virginia College Savings Plan, acting pursuant to §  
585 23.1-704, relating to the acquisition, holding, or disposition of a security or other ownership interest in  
586 an entity, where such security or ownership interest is not traded on a governmentally regulated  
587 securities exchange, if disclosure of such information would (i) reveal confidential analyses prepared for  
588 the Rector and Visitors of the University of Virginia, prepared by the retirement system or the Virginia  
589 College Savings Plan, or provided to the retirement system or the Virginia College Savings Plan under a  
590 promise of confidentiality of the future value of such ownership interest or the future financial  
591 performance of the entity and (ii) have an adverse effect on the value of the investment to be acquired,  
592 held, or disposed of by the retirement system, the Rector and Visitors of the University of Virginia, or  
593 the Virginia College Savings Plan. Nothing in this subdivision shall be construed to ~~authorize the~~  
594 ~~withholding prevent the disclosure~~ of information relating to the identity of any investment held, the  
595 amount invested, or the present value of such investment.

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

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

602 15. Information held by the Virginia Commonwealth University Health System Authority  
603 pertaining to any of the following: an individual's qualifications for or continued membership on its  
604 medical or teaching staffs; proprietary information gathered by or in the possession of the Authority  
605 from third parties pursuant to a promise of confidentiality; contract cost estimates prepared for  
606 confidential use in awarding contracts for construction or the purchase of goods or services; information  
607 of a proprietary nature produced or collected by or for the Authority or members of its medical or  
608 teaching staffs; financial statements not publicly available that may be filed with the Authority from

609 third parties; the identity, accounts, or account status of any customer of the Authority; consulting or  
610 other reports paid for by the Authority to assist the Authority in connection with its strategic planning  
611 and goals; the determination of marketing and operational strategies where disclosure of such strategies  
612 would be harmful to the competitive position of the Authority; and information of a proprietary nature  
613 produced or collected by or for employees of the Authority, other than the Authority's financial or  
614 administrative records, in the conduct of or as a result of study or research on medical, scientific,  
615 technical, or scholarly issues, whether sponsored by the Authority alone or in conjunction with a  
616 governmental body or a private concern, when such information has not been publicly released,  
617 published, copyrighted, or patented. This exclusion shall also apply when such information is in the  
618 possession of Virginia Commonwealth University.

619 16. Information held by the Department of Environmental Quality, the State Water Control  
620 Board, the State Air Pollution Control Board, or the Virginia Waste Management Board relating to (i)  
621 active federal environmental enforcement actions that are considered confidential under federal law and  
622 (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such  
623 information shall be disclosed after a proposed sanction resulting from the investigation has been  
624 proposed to the director of the agency. ~~This-However, nothing in this~~ subdivision shall ~~not~~ be construed  
625 to ~~authorize the withholding prevent the disclosure~~ of information related to inspection reports, notices  
626 of violation, and documents detailing the nature of any environmental contamination that may have  
627 occurred or similar documents.

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

633 18. Information held by the Virginia Lottery pertaining to (i) the social security number, tax  
634 identification number, state sales tax number, home address and telephone number, personal and lottery  
635 banking account and transit numbers of a retailer, and financial information regarding the nonlottery

636 operations of specific retail locations and (ii) individual lottery winners, except that a winner's name,  
637 hometown, and amount won shall be disclosed.

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

641 20. Information pertaining to the planning, scheduling, and performance of examinations of  
642 holder records pursuant to the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.)  
643 prepared by or for the State Treasurer or his agents or employees or persons employed to perform an  
644 audit or examination of holder records.

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

649 22. Information held by state or local park and recreation departments and local and regional  
650 park authorities concerning identifiable individuals under the age of 18 years. However, nothing in this  
651 subdivision shall ~~operate to authorize the withholding~~ prevent the disclosure of information defined as  
652 directory information under regulations implementing the Family Educational Rights and Privacy Act,  
653 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out  
654 requirements provided by such regulations. Access shall not be denied to the parent, including a  
655 noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated  
656 or a court of competent jurisdiction has restricted or denied such access. For such information of persons  
657 who are emancipated, the right of access may be asserted by the subject thereof. Any parent or  
658 emancipated person who is the subject of the information may waive, in writing, the protections  
659 afforded by this subdivision. If the protections are so waived, the public body shall open such  
660 information for inspection and copying.

661 23. Information submitted for inclusion in the Statewide Alert Network administered by the  
662 Department of Emergency Management that reveal names, physical addresses, email addresses,

663 computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable  
664 communications device information, or operating schedules of individuals or agencies, where the release  
665 of such information would compromise the security of the Statewide Alert Network or individuals  
666 participating in the Statewide Alert Network.

667 24. Information held by the Judicial Inquiry and Review Commission made confidential by §  
668 17.1-913.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

720 32. Information provided to the Department of Aviation by other entities of the Commonwealth  
721 in connection with the operation of aircraft where the information would not be subject to disclosure by  
722 the entity providing the information. The entity providing the information to the Department of Aviation  
723 shall identify the specific information to be protected and the applicable provision of this chapter that  
724 excludes the information from mandatory disclosure.

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

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

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

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

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

741 c. Stating the reasons why protection is necessary.

