

Chairman's FOIA Review Open Issues
June 23, 2016 Meeting of the FOIA Council

1. With respect to personnel records (2.2-3705.1.1), should the reference to “information concerning” or other terminology be narrowed, and if so, in what ways and by how much?

2. Should records of communications (e.g. email, regular mail) initiated by a citizen to elected officials be presumed to be private, e.g. exempt from release under FOIA unless agreed to by the citizen? What about such communications with a government body or staff person generally? Presently, the subcommittee is recommended additional personal contact information, but the exemption from release is only if requested by the citizen. See 2.2-3705.1 (10).

3. Should the definition of working papers be revised beyond the subcommittee’s recommendation of “including correspondence”, and if so, in what ways and by how much? (2.2-3705.7 (2))

4. What records, if any, are “proprietary” in 2.2-3705.6 that are not covered by the Trade Secrets Act.
5. Mindful that “vendor proprietary software” is exempt from release under FOIA (2.2-3705.1(6)), is it necessary to continue to include the exemption for software “developed by or for a state agency.....” in 2.2-3705.1(7)?