

FOIA Council  
December 3, 2007  
Meeting Summary

The Freedom of Information Advisory Council (the Council) held its final meeting of 2007<sup>1</sup> on December 3, 2007. This meeting included the annual legislative preview for the upcoming Session of the General Assembly. The Council heard final reports from its two subcommittees; reviewed legislative proposals, including those from non-Council sources as part of the legislative preview; and received a draft copy of its 2007 annual report to the Governor and the General Assembly. The Council welcomed its newest member, George T. Whitehurst, who was recently appointed by the Speaker to fill Stewart Bryan's seat on the Council<sup>2</sup>. The Council also set its first meeting for 2008 to be held at 1:00PM, Monday, March 31, 2008 in Richmond.

### **Annual Legislative Preview**

Access to donor information: Rob Lockridge, Executive Assistant to the President for State Government Relations, University of Virginia, presented a draft to exempt from FOIA records maintained in connection with fund-raising by or for a public institution of higher education that contain personal information concerning donors and prospective donors or fundraising strategies concerning an individual donor or prospective donor. The exemption however would not protect the amount, date, purpose and terms of the pledge or donation, or the identity of the donor unless the donor has requested anonymity in connection with or as a condition of making a pledge or donation. The draft specifically defined personal information as wealth assessments; estate, financial and tax planning information; health-related information; employment, familial and marital status; and contact information, birth dates and social security numbers. Senator Houck noted that donor identity is not currently protected from public access and asked whether UVA continued to receive gifts given this fact. Bob Sweeney, also of UVA, indicated that the university was willing to litigate to protect the anonymity of a donor if need be. Public comment was called for on this proposal. Craig Merritt, representing the Virginia Press Association (VPA) stated that VPA and UVA have been working on resolution of their respective issues. He acknowledged that some of the concerns raised by VPA had been addressed in the draft, noting that essentially the draft presents three separate issues-- strategies for fundraising activities, personal identifiers, and anonymous donors. Mr. Merritt indicated that VPA took no issue with protecting fundraising strategies or personal identifiers, but noted that VPA has a fundamental disagreement with allowing protection of the identity of donors wishing to remain anonymous. He noted that the fact that UVA requires a gift agreement, signed by the university and the donor for any gift over \$100,000, speaks to the importance of this issue. He remarked further that there is potential for mischief because an anonymous donor might unduly influence decisions of the university, most notably in the areas of procurement and admissions. Peter Easter on behalf of the Virginia Association of Broadcasters (VAB) commented that VAB was in agreement with VPA. Delegate Griffith stated that he was

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<sup>1</sup> Council members Axelle, Edwards, Fifer, Griffith, Houck, Malveaux, Miller, Spencer, Treadway, Whitehurst, and Wiley were present. Council member Hopkins was absent.

<sup>2</sup> Mr. Bryan, an original member of the Council, declined reappointment for a final four-year term.

concerned that without the proposed exemption, more fundraising activity would be shunted to private foundations of the universities. In that event, even less information about gift-giving activity would be public. Mr. Merritt remarked that while this may be true, the issue about access to private foundations was settled 10 years ago in favor of not including them under FOIA. Delegate Griffith maintained that with the proposed exemption, more information would be accessible by the public.

Audits directed by the Inspector General of VDOT: Keith Martin on behalf of VDOT next presented a draft that would exempt trade secrets; financial records, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; and revenue and cost projections provided by private business to the Virginia Department of Transportation for the purpose of an audit, special investigation or any study requested by the Inspector General's Office. Mr. Martin advised the Council that two years ago legislation was enacted requiring VDOT to examine its functions that could be more efficiently performed by the private sector. As a result, more than 50% of VDOT's budget goes to the private sector, with VDOT auditing contract performance. The Council noted that some of the language in the proposed VDOT draft needed to be clarified to comport with like records exemptions in FOIA. Public comment received on this proposal included some technical amendments offered by the VPA, which had been submitted to the Governor's office.

Local government investment pools: Bill Watt, Department of the Treasury, discussed an exemption for local government investment pools administered by the Department of the Treasury pursuant to the Local Government Investment Pool Act (§ 2.2-4600 et seq.). He noted that the purpose of the act is to secure the maximum public benefit from the prudent investment of public funds and is an avenue for local entities to invest in professional managed funds. Specifically, the Department was seeking protection of the account information, including account name, number, and signatories to protect against fraud, especially in the age of wire transfers and other similar technology. Mr. Watt noted that protection would not extend to records indicating that a particular locality had an account in the pool. He stated that while there are security protocols in place, protection of the identities of the signatories was desirable to decrease the likelihood of fraud. There was no public comment on this proposal.

Financial information relating to children's residential treatment facilities: James G. Council, Virginia Residential Psychiatric Treatment Association discussed a FOIA exemption for certain financial information submitted by treatment facilities as part of their licensing requirement, which includes sensitive proprietary information, the disclosure of which may adversely affect the competitive position of the facility. These facilities are regulated by the Department of Mental Health, Mental Retardation and Substance Abuse Services. He noted that there are other FOIA exemptions protecting the competitive position of UVA Medical Center and Eastern Virginia Medical School, for example. There was no public comment on this proposal.

Virginia military base realignments: Marc Follmer, Office of Commonwealth Preparedness, advised the Council that his Office's proposal was essentially to resurrect the prior FOIA

exemption for the Virginia Commission on Military Bases, which expired at the end of Governor Warner's administration. He noted that the proposed draft would expand protection to proactive strategies taken by Virginia to bring other military missions to Virginia. Mr. Follmer advised that the proposed exemption would be for records and would allow the Virginia Military Advisory Council and the Virginia Defense Industrial Authority to convene a closed meeting to discuss such records. He advised that his office has worked with the VPA to keep the exemption narrowly focused. There was no public comment on this proposal.

Local wireless franchise agreements: Council member Craig Fifer, on behalf of the City of Alexandria, presented a draft that would grant the same protections to bidders for a general franchise as may be available to other bidders under other processes. The draft would amend the existing FOIA exemption found in § 2.2-3705.6(13), which currently applies only to cable franchisees. The City's requested amendment would broaden the exemption to apply to any type of franchise, and to both bidders for the franchise and the eventual winner. Mr. Fifer noted that this amendment would not broaden any concepts in current law, but would simply broaden the applicability of the existing concept to a category of bids that seems to have fallen through the cracks over time. There was no public comment on this draft. The Council suggested, however, that some of the language in the draft should to be clarified to comport with similar record exemptions in FOIA.

## **Subcommittee Reports**

Electronic Meetings Subcommittee. John Edwards, chair of the Subcommittee, stated that the Subcommittee met three times (on May 10, June 7, and July 12, 2007) to address three bills referred to it. Delegate McClellan spoke to her bill, HB 2293, at the first meeting of the Subcommittee. The other patrons did not attend the meetings of the Subcommittee. Mr. Edwards advised the Council of the Subcommittee's recommendations as follows:

**HB 2293 (McClellan)--**The Subcommittee voted 4-0 to recommend against HB 2293, which would have allowed local public bodies to meet through electronic means only when gathering information and where no action is to be taken at the meeting.

**SB 1271 (Whipple)--**The Subcommittee voted 4-0 to table SB 1271 unless the patron requested further consideration of the bill; the patron has not done so. The bill would have eliminated the requirement that a quorum of a state public body be physically assembled in one primary location in order for the public body to conduct a meeting through electronic communications means. Instead of the quorum, the bill provided that at least two members of the public body be physically assembled at one location.

**HB 2553 (Ebbin)--**The Subcommittee voted 5-0 to recommend a revised draft of HB 2553 to the Council. The draft as revised would allow:

1. A local public body to meet by electronic means without a physically assembled quorum;

2. When the Governor has declared a state of emergency (and not locally-declared emergencies);
3. The catastrophic nature of the emergency makes it impracticable or unsafe to assemble a quorum in one location; and
4. The purpose of the meeting is to address the emergency.
5. The local public body must also (i) give public notice contemporaneously with the notice given the members, using the best possible methods given the nature of the emergency; (ii) make arrangements for public access to the meeting; and (iii) otherwise comply with the usual rules for electronic meetings.
6. The minutes must reflect the nature of the emergency and the fact that the meeting was held electronically.
7. Additionally, the draft bill makes a technical amendment in the definition of "meeting" to include the provisions of § 2.2-3708.1 (added in 2007).

Mr. Edwards described how the Subcommittee arrived at its recommendation and identified the specific issues that were examined. The draft was initially limited to local governing bodies and school boards and the Subcommittee questioned whether the draft should authorize all public bodies at the local level (i.e. industrial development authorities, regional authorities, planning commissions, etc.) to meet by electronic means in the event of a Governor-declared emergency. The Subcommittee voted 5 to 0 to authorize all local public bodies to meet by electronic means in the event of a Governor-declared emergency. The Subcommittee next considered the issue of whether it should try to articulate the types of catastrophic emergencies for which an electronic meeting was authorized. It was suggested the real issue is that the nature of the emergency inhibits the ability of members of a local public body to physically assemble in a single location. After extensive discussions, the Subcommittee voted 5 to 0 to adopt language offered by VPA that essentially provides that the nature of the catastrophic emergency inhibits the ability of members of the public body to physically assemble, whether by making it unsafe or impractical. Finally, the Subcommittee considered whether discussions by local public bodies in such instances would be limited to only the declared emergency or whether the agenda for such meetings could include other matters before the local public body. It was the consensus of the Subcommittee to limit discussions to those related to the Governor's declaration of the emergency. Mr. Edward made a motion, properly seconded, for the Council to adopt the draft recommended by the Subcommittee. The Council voted unanimously to recommend the draft as described above to the 2008 Session of the General Assembly.

Personal Identifying Information Subcommittee. Senator Houck, chair of the Subcommittee, reported that the Subcommittee has held six meetings to date to deliberate on the nine bills referred for study. Five meetings were joint meetings with a subcommittee of the Joint Commission on Technology and Science (JCOTS) to consider HB 2821 and SB 819<sup>3</sup>, both of which were referred to the FOIA Council and JCOTS. He first discussed the

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<sup>3</sup> HB 2821 (Sickles)--Access to Social Security Numbers. SB 819 (Cuccinelli)--Release of personal information concerning an identifiable individual, including date of birth, social security number, driver's license number, bank account numbers, credit or debit card numbers, personal identification numbers, electronic identification codes, automated or electronic signatures, biometric data, or fingerprints.

work of the Subcommittee in conjunction with the JCOTS Subcommittee (hereinafter referred to as the Subcommittees). The Subcommittees decided to focus on HB 2821, concerning Social Security Numbers (SSNs), because SB 819 was too broad as drafted and the Subcommittees were concerned about the possibility of unintended consequences of such far reaching language. Senator Houck noted that the Subcommittees have examined extensively the treatment of SSNs under Virginia law, federal law, and the laws of other states, all of which take somewhat different approaches. With regard to HB 2821 specifically, the Subcommittees shifted their focus from crafting a FOIA exemption for SSNs to the issue of over collection of SSNs by government. This shift came as a result of public comment at the July meeting that indicated that the real problem was over collection. Additionally, public comment indicated that a FOIA exemption was problematic for certain entities (e.g. print media, data aggregators, private investigators, and others) because of their expressed need for SSNs to verify identity. Further, a FOIA exemption would be harmful to the basic policy of FOIA that motive for a request is immaterial. The discretionary release of a SSN under such an exemption would require the government to ascertain the motive for the request. Additionally, it was argued by privacy advocates that FOIA exemptions are discretionary with the public body having custody of the record and thus would allow a government entity to release records containing SSNs unless expressly prohibited by some other law. Alternatively, access advocates argued that a FOIA exemption for SSNs, although discretionary, would be treated by government as a prohibition and effectively no SSNs would be accessible. Based on the foregoing and recognizing the complexity of the attendant issues, the Subcommittees agreed that they would address the over collection issue in legislation for the 2008 Session of the General Assembly. The Subcommittees are committed, however, to continuing their examination of public access to SSNs during 2008. The Subcommittees did agree that the issue of access to personal identifying information, specifically SSNs, is best addressed by legislation outside of FOIA for two reasons. Any such law should address the treatment of SSNs in the private sector as well as in public records and again, under FOIA, a requester's purpose in requesting records does not matter. As evidenced by the testimony to the Subcommittees, there are both good and bad reasons to share SSNs and any proposed law may need to account for good or bad intent.

The Subcommittees also considered legislation prohibiting republication of SSNs derived from public records. However, staff advised that there may be constitutional problems of such a prohibition in light of the First Amendment right of free speech. Staff advised the Subcommittees that such an approach would likely pass constitutional muster if the restriction is part of a comprehensive legislative effort where "a state could identify an interest of the highest order that would justify allowing a privacy interest to trump the First Amendment in certain circumstances. Given the documented interest of an individual to avoid public disclosure of his social security number, the interest of the government in controlling identity theft, the codification of the need to control the dissemination of this information in the Federal Privacy Act and the Virginia Government Collection and Dissemination Practices Act, and the federal courts that have recognized an individual's interest in maintaining the privacy of his social security number, protection of social security

numbers may indeed meet the Supreme Court's test."<sup>4</sup> As a result, the Subcommittees unanimously recommended legislation to the Council amending the Personal Information Privacy Act (PIPA) (§ 59.1-442 et seq.) to (i) clarify that an individual may disseminate his or her own SSN without violating PIPA and (ii) make PIPA's prohibitions against the dissemination of SSNs apply to those SSNs obtained from public records.

The Subcommittees also looked at the type of personal information collected by government from a practical perspective using real-life examples (i.e., hunting and fishing licenses, professional licenses, personnel records, etc). The Subcommittees found that the definition of "personal information" in the Government Data Collection and Dissemination Practices Act (GDCDPA) was in need of a few technical amendments to make it abundantly clear that SSNs are considered personal information. Staff advised the Subcommittees that in enacting the GDCDPA<sup>5</sup> in 1976, the General Assembly made the following findings:

- An individual's privacy is directly affected by the extensive collection, maintenance, use and dissemination of personal information;
- The increasing use of computers and sophisticated information technology has greatly magnified the harm that can occur from these practices;
- An individual's opportunities to secure employment, insurance, credit, and his right to due process, and other legal protections are endangered by the misuse of certain of these personal information systems;
- Information shall not be collected unless the need for it has been clearly established in advance; and
- Information shall be appropriate and relevant to the purpose for which it has been collected.

The Subcommittees found that increasing privacy concerns over access to personal identifying information contained in public records was due to state and local government routinely collecting too much personal information as part of their operation without a demonstrated need for it--an issue the GDCDPA seeks to limit. The Subcommittees felt strongly that the inappropriate over collection of personal identifying information needs to be addressed now. Staff noted that this issue was included in a FOIA Council Advisory Opinion (AO-08-06) issued on August 22, 2006, which stated in pertinent part:

"In today's information age, privacy concerns and the threat of identity theft challenge longstanding rights of public access and principles of open government. It is important to note that the General Assembly has enacted several privacy based exemptions from disclosure that apply to particular types of records likely to contain personal information, such as exemptions for personnel records, scholastic records, and health records. There are also more limited exemptions applicable specifically to social security numbers, such as 2.2-3808.1 of

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<sup>4</sup> Excerpted from memorandum dated November 30, 2007 from Lisa Wallmeyer, Executive Director, JCOTS to members of the Joint Commission on Technology & Science/Freedom of Information Advisory Council Subcommittee Studying Personally Identifiable Information on Public Records

<sup>5</sup> Formerly known as the Privacy Protection Act of 1976; which was recodified and renamed in October 2003 to the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.).

the GDCDPA, quoted above, and subdivisions 17 and 18 of § 2.2-3705.7, which apply to certain records regarding toll facilities and records of the State Lottery Department, respectively. However, there is no exemption of general application that would allow social security numbers or other personal information to be redacted or otherwise withheld from disclosure. Just because a public record contains personal information does not automatically exempt that personal information or that record from disclosure. If no exemption applies, then the record must be released in its entirety upon request. The best way for a public body to guarantee the confidentiality of citizens' personal and private information is simply not to collect such information unnecessarily. Additionally, when collecting any information, public bodies would be well advised to include notice advising citizens (i) whether the citizen has the option not to provide certain information and (ii) whether the information collected is subject to disclosure as a public record under FOIA."

The Subcommittees unanimously recommended legislation to the Council limiting the collection of SSNs by state and local government to those instances where collection of SSNs is required by law and the collection of SSN is essential to the mission of the agency. The legislation also adds certain specific categories to the definition of personal information, strengthens the remedies provisions of the GDCDPA by adding civil penalties matching those in FOIA, and makes a technical change to allow general district courts to hear GDCDPA cases. Additionally, the draft has enactment clauses giving it a delayed effective date of July 1, 2009, and requiring agencies to study their own collection and use of SSNs and report to the FOIA Council and JCOTS on such collection and use by October 1, 2008. The draft also sets forth protections for the information so received (which might otherwise reveal means of obtaining unprotected SSNs in public records). Senator Houck noted that a press release about this draft was issued to the Office of the Governor and his Secretaries, the Virginia Municipal League, the Virginia Association of Counties, the FOIA Council and JCOTS mailing lists, and other interested parties on November 8, 2007 in order to apprise them of the subcommittees' work and potential legislation.

Senator Houck then reported on the work of the PII Subcommittee of the Council, which studied the other bills referred exclusively to the Council by the General Assembly in 2007. He reminded the Council that the PII Subcommittee also gave consideration to the issue of access to concealed handgun permit information. He advised of the following PII Subcommittee actions:

HB 2558 (Brink)--Release of rabies certificate information. The Virginia Treasurers' Association and the Virginia Veterinarians' Association are working on a form for use state-wide that limits the amount of personal information available to the public. These associations will report directly to the Council.

HB 3097 (Cole)/SB 1106 (Chichester)--Release of constituent contact information. The bills were tabled without objection because no consensus was reached after the

Subcommittee debated the issues involved and considered draft legislation that attempted to distinguish between personal correspondence and correspondence addressing public business.

HB 3118 (Carrico)/SB 883 (Deeds)--Release of the names, addresses, and social security numbers of holders of boat, fishing, hunting, and other licenses/permits issued by the Department of Game and Inland Fisheries. No action taken by the PII Subcommittee.

HB 3161 (Marshall, D.W.)/SB 1404 (Hanger)--Expansion of complainant information for violation of any local ordinance (currently only protected for zoning violations). The bills were tabled by vote of 4 to 0. After discussion there was a consensus that the bills were overreaching.

On the issue of public access to records of holders of concealed handgun permits (CHPs), Senator Houck advised that the PII Subcommittee unanimously recommended legislation that would restrict access to the statewide list of Virginia citizens who hold CHPs compiled by the Department of State Police (DSP), but would allow access to the lists of permittees held by individual court clerks, the lists of out-of-state permittees held by DSP, and any aggregate or statistical information that does not identify individual permittees.

Senator Houck concluded his report by indicating that at every meeting of the Subcommittee alone and in conjunction with JCOTS public comment was received that helped guide the work of the Subcommittee. He noted, however, that there was some disagreement from interested parties in the legislative direction upon which the Subcommittee ultimately agreed.

### **Public Comment**

Before taking action on the legislation recommended by its two subcommittees, the Council asked for public comment on each of the proposed drafts. Concerning the PIPA draft, the Council heard from B.J. Ostergren, representing the Virginia Watchdog, who indicated she felt that these bills were specifically directed at her and her website, which publishes public records containing SSNs on the Internet. She further indicated that a federal case declared a similar Washington state law unconstitutional, that there were United States Supreme Court cases holding such laws unconstitutional, that two similar bills were withdrawn by their patrons in the 2006 Session of the General Assembly over constitutional concerns, and she believed this draft would be unconstitutional as well. Mike Stollenwerk, representing the Fairfax County Privacy Council, indicated that he felt the draft was inconsistent with the other actions taken by the PII Subcommittee. He stated that there should be legislation providing a FOIA exemption for SSNs and that the state should move to redact SSNs from existing public records. Craig Merritt, representing VPA, stated that VPA opposes the PIPA draft and has always felt the statute was unconstitutional. He noted that generally SSNs are not published in newspapers. Delegate Mark Sickles stated that he felt strongly that the SSNs should be exempt from FOIA and the Council should act now to protect Virginia citizens. Senator Houck observed that FOIA exemptions are discretionary and questioned

how that would be protecting the public. Delegate Sickles responded that the practical effect of such an exemption would be that it will be treated as if release of a SSN is prohibited and thus no discretion will be exercised to release it. Marc Greidinger, a private attorney, commented that he supported a FOIA exemption for SSNs. He stated that punishing an individual for republishing SSNs will not meet constitutional muster. He acknowledged, however, that over collection of SSNs is part of the problem.

The Council discussed the draft. Mr. Fifer and Mr. Malveaux expressed concern that the draft was not within the purview of the Council as it deal with the conduct of private persons and not government. Senator Houck reiterated that HB 2821 was referred jointly to the Council and JCOTS, and a broader approach was therefore appropriate. He reminded the Council of the concerns and objections to HB 2821 and the complexity of the issue. Mr. Axselle stated that he could not understand what was wrong with the draft, noting that it is a prohibition against an act most people would find objectionable. Upon a motion to recommend, properly seconded, the Council voted 10-1<sup>6</sup> to recommend the PIPA draft to the 2008 Session of the General Assembly.

Public comment was then called for on the GDCDPA draft. Phyllis Errico, Virginia Association of Counties, commended the Subcommittee's work in fashioning good public policy. She stated that including driver's license number in the prohibition against collection was puzzling given that no mischief has been demonstrated as may be the case with SSNs. She cautioned the Council about the unintended consequences of prohibiting the collection of driver's license numbers. B. J. Ostergren, Virginia Watchdog, advised that she agreed wholeheartedly with the draft, but was concerned that the GDCDPA did not apply to court records. Marc Greidinger, private attorney, stated that he believed the GDCDPA draft is a very good bill. Mr. Greidinger indicated, however, that he thought that damages should be awarded to the plaintiff for violation of the act.

The Council discussed this draft, focusing on the standard for award of the civil penalties for violation. Mr. Malveaux offered a friendly amendment to make award of a civil penalty in cases of willful and knowing violations as is done in FOIA. Mr. Wiley stated that the difference is with FOIA the violation is frequently committed by an individual whereas with the GDCDPA, the violation is based on agency policy. He stated that he was unsure how to prove an agency's state of mind. Mr. Malveaux withdrew his amendment and offered another. This amendment, agreed to in concept, would revise the draft to impose the civil penalty for willful and knowing violations committed by an individual, but not agencies. Staff was directed to work on language reflecting the Council's decision. Upon a motion to recommend, properly seconded, the Council voted unanimously to recommend the GDCDPA draft to the 2008 Session of the General Assembly.

Lastly, public comment was requested on the CHP draft. Phillip Van Cleave, president of the Virginia Citizens Defense League stated that the draft was overkill and access by nonprofits should not be prevented. No further public comment was offered. The Council discussed the draft. Mr. Fifer stated that he believed it rather insulting to the public to say

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<sup>6</sup> Senator Houck, Delegate Griffith, Mssrs. Axselle, Edwards, Malveaux, Miller, Whitehurst, and Wiley, and Ms. Spencer and, Treadway voted aye; Mr. Fifer voted nay.

that you can get the records as long as it is inconvenient to do so. Delegate Griffith responded that there was real concern for people in the DSP database who are abused spouses, other victims of crime, and other vulnerable populations. He opined that it is a crime of opportunity and it is much easier to get information online than having to go to the courthouse. Senator Houck noted that the draft, while not perfect, is a good balance. Upon a motion to recommend, properly seconded, the Council voted 10-1<sup>7</sup> to recommend the CHP draft to the 2008 Session of the General Assembly.

Copies of the drafts recommended by the Council appear on the Council's website.

### **Other Business**

Alan Albert, Esq., speaking on behalf of the Virginia Treasurers Association and the Virginia Veterinary Medical Association, advised the Council that the two associations have come up with a workable solution to the issues raised in HB 2558<sup>8</sup> (Brink) from the 2007 Session. He stated that he has been working with VPA and the ultimate goal is not to require treasurers to keep the rabies certificate sent by veterinarians. He indicated that the issue will no longer be a FOIA issue, but a retention issue. He advised that he would circulate a draft to VPA and other interested parties for their comment.

Staff provided the Council with a draft copy of the Council's 2007 Annual Report for review and comment within the next two weeks.

### **Of Note**

Staff advised the Council that the Better Government Association and National Freedom of Information Coalition recently graded states' responsiveness to FOIA requests. Thirty-eight out of 50 states were given "F" grades in overall response. Virginia earned a "C". Only two "As" were given--Nebraska and New Jersey. No "Bs" and only 6 "Cs" were given. Four "Ds" were given. Grade criteria included response time, cost- and time-efficient appeal, expedited review by courts, award of attorneys' fees and court costs, and sanctions. Out of a possible 16 points, Virginia received 12.5 points.

The Council set the date for its first quarterly meeting of 2008. The Council will meet on Monday, March 31, 2008 in Richmond at 1:00 p.m.

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<sup>7</sup> Senator Houck, Delegate Griffith, Mssrs. Axselle, Edwards, Malveaux, Miller, Whitehurst, and Wiley, and Ms. Spencer and, Treadway voted aye; Mr. Fifer voted nay.

<sup>8</sup>Freedom of Information Act; certain information in rabies vaccination certificates. Exempts the identification of breed of a vaccinated animal and any personal identifying information relating to the animal owner that is not made a part of an animal license application from the mandatory disclosure provisions of the Freedom of Information Act. HB 2558 was referred to the Council for further study.