



Virginia Freedom of Information Advisory Council

December 14, 2022, at 11:00 a.m.

The Capitol, Senate Room 3

foiacouncil.dls.virginia.gov

The Virginia Freedom of Information Advisory Council (the Council) met with Senator Mamie E. Locke, chair, presiding.¹ The meeting began with introductions and opening remarks followed by the election of the chair and vice-chair and the report from the HB 980 Subcommittee. Materials presented at the meeting are accessible through the Council's [Meetings webpage](#).

Election of Chair and Vice-Chair

Elections for the chair and vice-chair were last held on August 4, 2020. Subsection D of § 30-178 of the Code of Virginia states as follows: "The members of the Council shall elect from among their membership a chairman and a vice-chairman for two-year terms. The chairman and vice-chairman may not succeed themselves to the same position." Delegate Marcus B. Simon was elected chair and Senator Locke was elected vice-chair, both by unanimous vote.

Presentation: HB 980 (Williams Graves, 2022) Subcommittee Report

Delegate Marcus B. Simon

The HB 980 Subcommittee met on July 26, 2022, with Delegate Simon presiding as chair. Delegate Simon provided the Council with an update stating that the Subcommittee recommends amendments to HB 980 for the Council's consideration, including (i) incorporating a definition of "personal contact information"; (ii) listing the types of nuisance complaints whose personal information is exempt from disclosure; and (iii) requiring that information contained in completed investigations shall be disclosed in a form that does not reveal the identity of the complainants or persons supplying information to investigators. The Council considered the redraft of HB 980 (23100137D). Discussion ensued on whether it was necessary to include local code complaints pertaining to public health and safety, nuisances, and waste and recycling in those whose personal contact information would be exempt. The Council also heard public comment. Michelle Gowdy, Virginia Municipal League (VML), as well as a representative from Virginia Beach, stated they were in support of the bill. Megan Rhyne, Virginia Coalition for Open Government (VCOG), stated in her opposition to the proposed amendments that she did not believe there was a need for uniformity across locales and that the anonymous complaint process could be misused. After further discussion, the Council voted unanimously to further amend the draft, striking clauses (iv) and (v) on lines 66-68. The Council then moved to recommend legislative draft number 23100137D as amended to the 2023 Session of the General Assembly.

¹ **Members Present:** Delegate Marcus B. Simon (chair), Senator Mamie E. Locke (vice-chair), Lee Bujakowski, Matthew Conrad, Ryan Ferguson, Chidi I. James, Lola Rodriguez Perkins, Bruce Potter, Cullen D. Seltzer, Sandra G. Treadway, and Amigo Wade.

Members Absent: Senator Richard H. Stuart, Delegate William C. Wampler, III, and William D. Coleburn.

Other Business: Electronic Participation Policy

As of September 1, 2022, there are new policy requirements for members to use remote participation and for public bodies to conduct all-virtual meetings, both using electronic communications. The Council voted unanimously to adopt an amended version of its Electronic Participation Policy in order to comply with the new requirements.

Public Comment and Next Meeting

The Council did not receive any additional public comment. The next meeting of the FOIA Council will be scheduled after the adjournment of the 2023 Session of the General Assembly.

For more information, see the [*Council's website*](#) or contact the Division of Legislative Services staff:

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