



COMMONWEALTH of VIRGINIA

Department of Veterans Services

John L. Newby II
Commissioner

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November 3, 2014

Maria J.K. Everett, Executive Director and Senior Attorney
Alan Gernhardt, Staff Attorney
Virginia Freedom of Information Advisory Council
201 North 9th Street
Richmond, Virginia 23219

Dear Ms. Everett and Mr. Gernhardt:

At its meeting on November 5, 2014, the Records Subcommittee of the Virginia Freedom of Information Advisory Council will consider one exemption related to the Department of Veterans Services (DVS) and one related to the Veterans Services Foundation (VSF). At its meeting the same day, the Meetings Subcommittee will consider one VSF-related exemption.

Please find attached two short papers reflecting the position of the DVS and the VSF on the exemptions. A representative of DVS and VSF will attend both meetings to provide any additional information needed by the Subcommittee members.

If there are any questions, please contact the VSF Executive Director, Mr. Jack Hilgers, at 804-382-3715 or Jack.Hilgers@dvs.virginia.gov, or the DVS Director of Policy & Planning, Mr. Steven Combs, at 804-786-0294 or Steven.Combs@dvs.virginia.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "John L. Newby II".

John L. Newby II

Cc: Richard A. Schollmann
Chairman, Veterans Services Foundation Board of Trustees

Two Enclosures

Department of Veterans Services (DVS) and Veterans Services Foundation (VSF)

input for

Virginia Freedom of Information Advisory Council – Records Subcommittee– 11/5/2014

Department of Veterans Services (DVS) Exemption

2.2- 3705.7 (28). Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers, except that access shall not be denied to the person who is the subject of the record.

Rationale: The two DVS care centers maintain Resident Trust Funds as a means of assisting residents with their finances. These funds equate to bank accounts and each has an account number, the resident's social security number, and a specimen signature. The FOIA exemption is required to preserve the resident's privacy, ensure account fiscal integrity, and guard against theft.

DVS Position: Maintain the exemption as contained in the *Code of Virginia*

Veterans Services Foundation (VSF) Exemption

2.2-3705.7 (29). Records maintained in connection with fundraising activities by the Veterans Services Foundation pursuant to § 2.2-2716 to the extent that such records reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on a driver's license, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the record. Nothing in this subdivision, however, shall be construed to authorize the withholding of records relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the foundation for the performance of services or other work or (ii) the terms and conditions of such grants or contracts.

Rationale: VSF receives donations on a daily basis. These donations arrive by U.S. Mail Service, commercial delivery services, and electronically. The almost all donations received by mail are checks that contain the donor's name, address, bank account number, and signature. For accountability purposes, copies are made of the checks by the receiving activity before they are sent to the Department of Veterans Services Finance office. Donations received electronically have abbreviated credit card account numbers, and email addresses, however, the electronic source can provide additional information that would be of value to exploitation by thieves. In both cases, the FOIA exemption is required to preserve the donor's privacy, ensure financial account integrity, and guard against theft.

VSF Position: Maintain the exemption as contained in the *Code of Virginia*