## HJR 96 FOIA STUDY, 2014 - 2016

Virginia Freedom of Information Advisory Council

# **FOIA RECORD Exemptions:**

# Criteria for measuring "appropriateness" of any exemption.

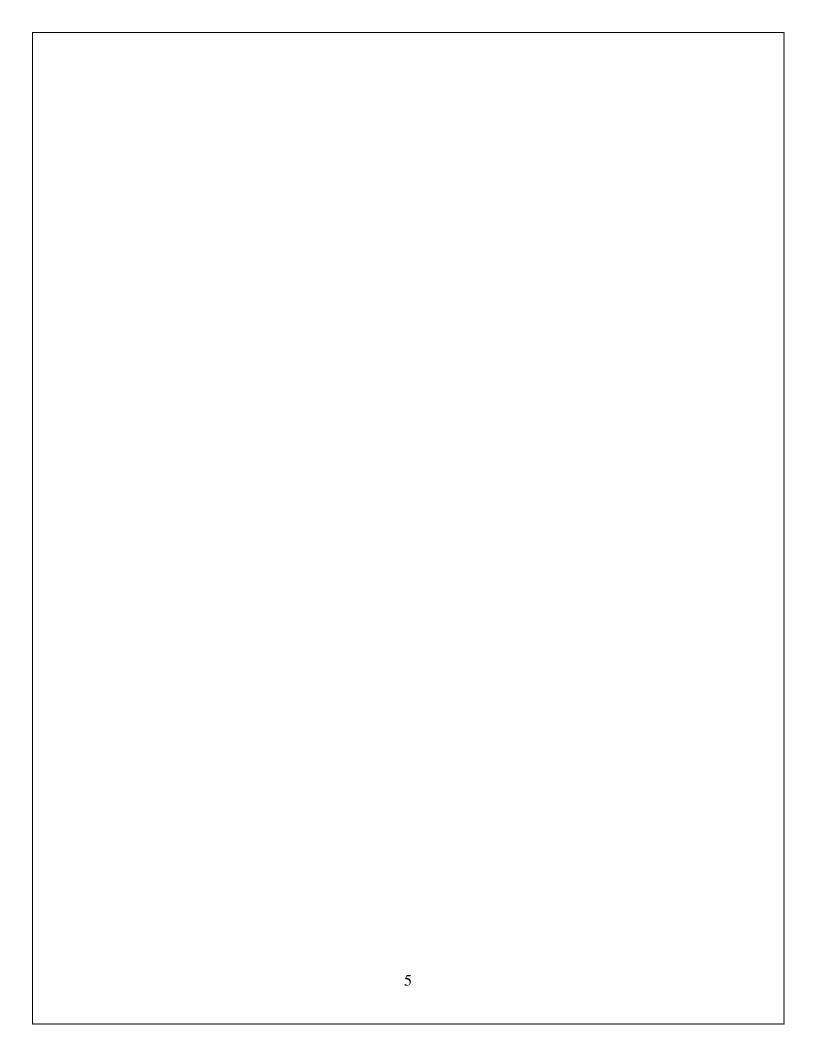
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•	Relating to:
•	Code Section(s) and subdivision reference:
•	Date reviewed; action recommended by
	subcommittee:
•	Action by FOIA Council;

- 1. Policy basis for exemption: ((i) public good--protection of (a) the public purse or (b) the public bargaining, negotiating, litigating position; (ii) attorney/client or other privilege recognized by law; (iii) protection of privacy interest--personal identifying information, financial information, health information; or (iv) protection of trade secrets, intellectual property or other proprietary interest--
  - Does original rationale for the language still stand or has it weakened or disappeared since the language was enacted?

	Application of the narrow construction rule found in FOIA at 3700
	<ul> <li>Is the language easy to understand and apply or does it of gray areas of interpretation that invite disagreements?</li> <li>Is language consistent with other provisions of FOIA or the inverse of the provisions.</li> </ul>
	<ul> <li>the imprecise use of words/phrases generate ambiguities</li> <li>Is language necessary in light of other provisions of the OVA?</li> </ul>
3.	<ul> <li>Need to update and/or clarify nomenclature/technology terms</li> <li>Is the language redundant or repeat concepts already express FOIA?</li> </ul>

-	Impact of VA Supreme Court decisions and/or opinions of the Attorney General and/or the FOIA Council that interpret this exemption					
	<ul> <li>Should current language be changed to reflect these decisions/opinion?</li> </ul>					
5.	Legislative history and intent, to the extent available.					
	Need to review comparable provisions in other states' FOIA laws; if so, do other states' statutes improve or provide needed clarity?					
7.	Staff recommendations, if any.					
8.	Notes.					
Jul	y 8, 2014 Meeting:					



#### Abbreviations:

c. or cc. chapter(s) of Acts of Assembly

'EE Employee 'ER Employer

K Contract

NIR No Issue Raised

N/C No Comments

Pbod Public Body

Prec Public Record

Rec Recommendation

TBC To Be Continued

VACO VA Association of Counties

VCOG VA Coalition for Open Government

VML VA Municipal League

VPA VA Press Association

## Subcommittee member and staff name abbreviations:

RT Robert (Bob) Tavenner

CA Chris Ashby

SH Stephanie Hamlett

EJ Ed Jones

TO Tim Oksman

ME Maria Everett, staff

AG Alan Gernhardt, staff