



VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

COMMONWEALTH OF VIRGINIA

Senator Richard H. Stuart, Chair
Delegate James M. LeMunyon, Vice Chair

Maria J.K. Everett, Esq., Executive Director/Senior Attorney
Alan Gernhardt, Esq., Staff Attorney
foiacouncil@dls.virginia.gov

General Assembly Building ~ 201 N. 9th Street, Second Floor ~ Richmond, Virginia 23219
804-225-3056 ~ (Toll Free) 1-866-448-4100 ~ (Fax) 804-371-0169 ~ <http://foiacouncil.dls.virginia.gov>

November 5, 2014

10:00 AM

Speaker's Conference Room, Sixth Floor
General Assembly Building, Richmond, Virginia

Meeting of the RECORDS Subcommittee of the FOIA Council

Proposed Agenda

1. Call to order and introduction of subcommittee members.
2. Consideration of draft legislation. *At its meetings on July 8, 2014, the Subcommittee began its work by studying the exemptions of general application and exceptions thereto found in §§ 2.2-3705.1 and 2.2-3705.8. At its meeting on August 25, 2014, the Subcommittee continued by studying several of the exemptions in § 2.2-3705.7, records of specific public bodies and certain other limited exemptions. At the direction of the Subcommittee, drafts have been prepared for the exemptions applicable to the following types of records:*

- *Written advice of legal counsel (§ 2.2-3705.1(2));*
- *Personal identifiers used to receive email (§ 2.2-3705.1(10));*
- *Public utility customer account information (§ 2.2-3705.7(7)).*

The Subcommittee also stated it wanted further consideration of the exemptions applicable to the following types of records:

- *Working papers and correspondence of certain officials (§ 2.2-3705.7(2));*
- *Records relating to financial disclosures by members of the General Assembly (§ 2.2-3705.7(6));*

3. Continue implementation of subcommittee work plan. *The Subcommittee will continue studying the various exemptions in § 2.2-3705.7. As several of these exemptions concern specific agencies, agency representatives have been invited to attend this meeting.*

The following exemptions are of general application or make reference to a prohibition outside of FOIA:

- *Records related to the operation of toll facilities that identify an individual, vehicle, or travel itinerary (§ 2.2-3705.7(17));*

- *Certain records of state or local park and recreation departments and local and regional park authorities to the extent such records contain information identifying a person under the age of 18 years (§ 2.2-3705.7());*
- *Records of the Judicial Inquiry and Review Commission made confidential by § 17.1-913 (§ 2.2-3705.7(24));*
- *Records of the Department of Corrections made confidential by § 53.1-233 (§ 2.2-3705.7(26));*
- *Names, physical addresses, telephone numbers, and email addresses contained in correspondence between an individual and a member of a public body of the locality in which the individual is a resident, unless the correspondence relates to the transaction of public business (§ 2.2-3705.7(30));*
- *Records created or maintained by or on the behalf of the judicial performance evaluation program related to an evaluation of any individual justice or judge made confidential by § 17.1-100 (§ 2.2-3705.7(33)).*

The following exemptions are specific to particular types of records and specific agencies:

- *Names and addresses of subscribers to Virginia Wildlife magazine (§ 2.2-3705.7(13));*
- *Financial, medical, rehabilitative and other personal information concerning applicants for or recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority (§ 2.2-3705.7(14));*
- *Various records of the Virginia Commonwealth University Health System Authority (§ 2.2-3705.7(15));*
- *Certain records of the Board for Branch Pilots relating to chemical or drug testing (§ 2.2-3705.7(19));*
- *Certain records pertaining to examinations of holder records pursuant to the Uniform Disposition of Unclaimed Property Act (§ 2.2-3705.7(20));*
- *Certain records of the Virginia Department of Emergency Management or a local governing body relating to citizen emergency response teams (§ 2.2-3705.7(21));*
- *Certain records submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management (§ 2.2-3705.7(23));*
- *Certain records maintained by the Department of the Treasury or participants in the Local Government Investment Pool (§ 2.2-3705.7(27));*
- *Certain personal information concerning residents or patients of the Department of Veterans Services Care Centers (§ 2.2-3705.7(28));*
- *Certain records maintained in connection with fundraising activities by the Veterans Services Foundation (§ 2.2-3705.7(29));*
- *Certain records of the Commonwealth's Attorneys' Services Council (§ 2.2-3705.7(31));*

- *Records provided to the Department of Aviation by other entities of the Commonwealth in connection with the operation of aircraft, where the records would not be subject to disclosure by the entity providing the records (§ 2.2-3705.7(32));*

4. Public Comment.
5. Discussion.
6. Set future meeting dates.
7. Adjournment.

Subcommittee Members

Bob Tavenner, Chair

Christopher Ashby, Vice-Chair

Stephanie Hamlett

Ed Jones

Tim Oksman

The FOIA Council's web site is: <http://foiacouncil.dls.virginia.gov/>. To assist us in providing Internet dissemination of materials, presenters are requested to submit written comments and handouts in electronic format by (i) e-mail to staff prior to meetings or (ii) diskette furnished to staff at meetings. Presenters are also requested to bring 20 copies of their remarks or handouts to meetings. These copies will be provided to FOIA Council Subcommittee members and the public.

E-mail: foiacouncil@dls.virginia.gov.