

January 14, 2016

Maria J.K. Everett, Esq.
Executive Director/Senior Attorney
Virginia Freedom of Information Advisory Council
General Assembly Building
201 North 9th Street, Second Floor
Richmond, Virginia 23219

Re: Review of FOIA Exemptions

Dear Ms. Everett:

Thank you for your correspondence dated December 22, 2015 regarding proprietary exemptions and trade secrets. We appreciate the opportunity to comment.

The Virginia Resources Authority (VRA) is very concerned regarding the elimination of its exemption for proprietary records and trade secrets especially since there is no draft of a general exemption available to be considered.

As you may know, VRA is an independent political subdivision of the Commonwealth. Section 62.1-198 of the Virginia Code outlines VRA's purpose as follows:

"... to encourage the investment of both public and private funds and to make loans, grants, and credit enhancements available to local governments to finance water and sewer projects, land conservation or land preservation programs or projects, oyster restoration projects, drainage projects, solid waste treatment, disposal and management projects, recycling projects, energy conservation and energy efficiency projects, professional sports facilities, resource recovery projects, public safety facilities, airport facilities, the remediation of brownfields and contaminated properties including properties contaminated by drywall, the design and construction of roads, public parking garages and other facilities for public transportation by commuter rail, site acquisition and site development work for the benefit of economic development projects, technology, construction of local government buildings, including administrative and operations systems and other local government equipment and infrastructure, infrastructure for broadband services, recovered gas energy facilities, federal facilities or former federal facilities, and renewable energy projects ..."

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While VRA is not a state agency and receives no direct state appropriations, for organizational purposes, it is aligned with the Secretary of Commerce and Trade due to its economic development function. Not unlike the Virginia Economic Development Partnership, VRA does work with and receive information from private entities that include proprietary and trade secret information not otherwise available to the public. For example, VRA has an outstanding loan in its land conservation portfolio. The loan documents provide that we receive copies of financial statements of entities related to the borrower (but that have no outstanding loan with VRA). These financial statements can be very helpful in monitoring the loan. If, however, this information were required to be made public, it is unlikely the borrower would have ever agreed to the requirement in loan documents to provide it.

VRA would respectfully request that its exemption remain in place. Please do not hesitate to contact me if you have any questions.

Sincerely,



Jean Bass
Director of Policy

cc: The Honorable Maurice Jones
Office of the Governor

Stephanie Hamlett
VRA Executive Director