



Commonwealth Health Research Board
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August 11, 2017

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Roanoke, VA*

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Norfolk, VA*

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Alan Gernhardt, Esquire
Senior Attorney
Virginia Freedom of Information Act
Advisory Council
900 East Main Street, 10th Floor
Richmond, Virginia 23219

In re: Proprietary Records and Trade Secrets Subcommittee of the Virginia Freedom of Information Act [FOIA] Advisory Council's suggestion to remove the terms "proprietary" and "confidential" from *Virginia Code §2.2-3705.6*

Dear Mr. Gernhardt,

The Proprietary Records and Trade Secrets Subcommittee provided the CHRB with an amended "deletion draft" that strikes the terms "proprietary" and "confidential" where they currently appear in *Virginia Code §2.2-3705.6* and has asked for the CHRB's feedback regarding these proposed changes with the understanding that the final draft will be before the full Council for its consideration at its August 14, 2017 meeting.

In reviewing the Subcommittee's proposal to strike the term "proprietary" where it currently appears in *Virginia Code §2.2-3705.6(17)*, the CHRB has determined that the proposed deletion does not have an adverse impact upon the CHRB and its grants process. Because portions of grant applications containing scientific or medical research-related information that is not publicly available can be withheld from disclosure, applicants should be able to retain the competitive position necessary to request grant funding. The CHRB, therefore, has no objection to the proposed deletion.

Please contact me or Anne Pace, CHRB Administrator, with any questions or concerns you may have regarding this response. Also, please advise Ms. Pace of any alternative amendments to this provision that are proposed in the future. Thank you for the opportunity to provide input throughout this process.

Sincerely,

Cynda A. Johnson, M.D., M.B.A., Chair
Commonwealth Health Research Board

cc:

L. Matthew Frank, M.D., Vice Chair, Commonwealth Health Research Board

Kenji M. Cunnion, M.D., M.P.H., Member, Commonwealth Health Research Board

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Carla Collins, Senior Assistant Attorney General, Office of the Attorney General
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