



COMMONWEALTH OF VIRGINIA

HOUSE OF DELEGATES
RICHMOND

COMMITTEE ASSIGNMENTS:
RULES (CHAIRMAN)

M. KIRKLAND "KIRK" COX
SPEAKER

SPEAKER'S ROOM - STATE CAPITOL
POST OFFICE BOX 406
RICHMOND, VIRGINIA 23218

April 4, 2019

Mr. Alan Gernhardt,
Executive Director
Freedom of Information Advisory Council
Pocahontas Building – 10th Floor
900 E. Main St,
Richmond, Virginia 23219

**RE: F.O.I.A. Council – Phishing for Personal Identifiable Information (PII)
For Public Employees**

Dear Mr. Gernhardt:

During the 2019 General Assembly Session, Delegate Heretick introduced HJ 628 Virginia Freedom of Information Advisory Council; threat of phishing attacks, report. This bill directed the Virginia Freedom of Information Advisory (FOIA) Council to study the threat of phishing attacks on citizens and public employees whose contact and private information is legally obtained because of a FOIA request. The study further directed the FOIA Council to examine current FOIA provisions and make recommendations on ways to address the threat of phishing attacks on citizens and public employees of the Commonwealth. The genesis of this bill stemmed from current litigation in which enough information was gained from FOIA requests to enable identity theft of a public employee.

In lieu of formal passage of this Bill, it was agreed that this letter would be sent to the FOIA Council requesting that you investigate this matter to ensure that this concern is adequately addressed. Please identify what, if any, changes can be made to more adequately address this matter.

Also included in this Bill was the issue of educating Virginia citizens as to the possibility that their personal contact information could be exposed through a FOIA request, if citizens do not specifically request that such information not be released. This raises issues relating to both the potential inadvertent damage this could cause to our citizens, together with the potential civil liability for any authority releasing such information.

Kindly review these issues and provide an update to me by November 1, 2019.

Respectfully,

A handwritten signature in black ink, appearing to read "M. Kirkland Cox". The signature is stylized and cursive.

M. Kirkland Cox
Speaker of the House

cc: Del. Stephen E. Heretick