



Virginia Freedom of Information Advisory Council

Forestry Records Subcommittee

June 17, 2019, at 1:00 p.m.

Pocahontas Building, Shared Committee Room

foiacouncil.dls.virginia.gov

The Forestry Records Subcommittee (the Subcommittee) of the Virginia Freedom of Information Advisory Council (the Council) met in Richmond.¹ The meeting began with introductions and opening remarks followed by the election of Mark Vucci as chair by unanimous vote and discussion. Materials presented at the meeting are accessible through the [Council's website](#).

Presentation: 2019 House Bill 2201 (Tyler)

Delegate Roslyn C. Tyler

Brad Copenhaver, Deputy Secretary of Agriculture and Forestry

Ed Zimmer, Deputy State Forester

Delegate Tyler gave a brief summary of House Bill 2201. Mr. Copenhaver explained that the bill was carried by Delegate Tyler at the request of the Department of Forestry. Mr. Zimmer mentioned that the Department of Forestry's Attorney General Representative recommended the bill to make it very clear in FOIA that certain records held by the Department are to be exempt from mandatory disclosure, namely trade secrets, records regarding criminal violations that are reported to the Department, and records relating to administrative investigations.

Members of the Subcommittee noted the following concerns:

- The language in the bill is too broad, while the language of other FOIA exemptions is much more narrowly tailored;
- Clarity is needed regarding whether any reported violation that is allegedly criminal must be exempt from disclosure or whether the exemption only applies to violations that are in fact determined to be criminal in nature; and
- Existing FOIA exemptions may already cover what is in this bill; a Department-specific FOIA bill may be unnecessary and may create confusion.

Members of the Subcommittee also expressed an interest in hearing directly from the Attorney General Representative to gain context and anecdotal evidence regarding the bill. Members recommended that a draft of more specific language be reviewed at the next Subcommittee meeting on July 15.

¹ **Members Present:** Mark Vucci (chair), Kathleen Dooley (electronically), Shawri King-Casey, Dr. Sandra Treadway

Members Absent: None

Presentation: Commending Resolution for Kathleen Dooley

Council Staff

Staff read a commending resolution prepared for Kathleen Dooley to thank her for her years of service to the FOIA Council, as Ms. Dooley's second four-year term expires on July 1, 2019. Mark Vucci expressed gratitude to Ms. Dooley on behalf of himself, the Subcommittee, and Senator Richard Stuart.

Public Comment and Next Meeting

During the period for public comment, the Subcommittee received two comments. Megan Rhyne of the Virginia Coalition for Open Government expressed that she was neither in favor of nor opposed to House Bill 2201. She was of the opinion that it is better to amend FOIA than to add FOIA exemptions in another section of the Code of Virginia.

Mark Hickman, on behalf of the Virginia Press Association, stated that the Association opposed House Bill 2201 and expressed that more FOIA exemptions are unnecessary; however, if the bill were to move forward, he would be interested in seeing the language more narrowly tailored.

The next meeting of the Subcommittee is scheduled to be held at 10:00 a.m. on Monday, July 15, 2019. Mr. Vucci noted that he had a scheduling conflict and suggested that the Subcommittee elect a vice-chairman. The Subcommittee elected Dr. Sandra Treadway as vice-chairman by unanimous vote.

For more information, see the [Council's website](#) or contact the Division of Legislative Services staff:

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