



Virginia Freedom of Information Advisory Council

Phishing Study Subcommittee

July 15, 2019, at 1:00 p.m.

Pocahontas Building, House Committee Room 400A

foiacouncil.dls.virginia.gov

The Phishing Study 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 Dr. Sandra Treadway as chair, by unanimous vote. Materials presented at the meeting are accessible through the [Council's website](#).

Presentation and Public Comment: 2019 House Joint Resolution 628 (Heretick)

Council Staff and Delegate Steve E. Heretick

Council staff gave a general overview of phishing and current provisions in FOIA that deal with areas related to phishing, such as provisions related to personally identifiable information, cyber security, contact information, etc.

Delegate Heretick gave a background on the issue of phishing and cyberattacks and how it has affected his constituents in Portsmouth and Virginia as a whole. Representatives from the City of Portsmouth² related that electronic attacks against the City occur daily and shared information about a specific situation where the City Fire Chief's email was spoofed and used to send emails with harmful links to other City employees. The City representatives also expressed concern that the amount of information available about employees under FOIA³ could be used to commit identity theft with only one or two additional data points. Delegate Heretick then presented a list of recommendations for legislative changes on behalf of the City.

The Subcommittee requested public comment. State employee Amy Judd observed that when she worked in Colorado, the state released employee titles but not names. Megan Rhyne of the Coalition for Open Government reminded the Subcommittee that the Council had studied many of these same issues over the years to reach the current status regarding access to personnel information, balancing concerns of identity theft and cybersecurity with the public interest in this information, such as preventing corruption and nepotism.

After further discussion of the issues, the Subcommittee directed Council staff to post online the City's legislative recommendations so that interested parties may have time to consider them,⁴

¹ **Members Present:** Sandra Treadway (Chair), Lee Bujakowski, Sterling Rives, III

Members Absent: Shawri King-Casey, Mark Vucci

² The City was represented by City Attorney Solomon Ashby, Chief Information Officer Daniel Jones, and Intergovernmental Affairs Manager Sherri Neil.

³ Specifically, the information available pursuant to the personnel information exemption, clause (ii) of subdivision 1 of § 2.2-3705.1, that requires the release of "records of the name, position, job classification, official salary, or rate of pay of, and records of the allowances or reimbursements for expenses paid to, any officer, official, or employee of a public body."

⁴ These recommendations are posted to the "2019 Subcommittees" page of the [Council's website](#).

and to invite representatives from the Virginia State Police to come to the next meeting of the Subcommittee to provide additional background information regarding identity theft and cybersecurity.

Next Meeting

The Subcommittee will hold its next meeting on August 21, 2019, at 10:00 a.m. in Room 400A of the Pocahontas Building, 900 East Main Street, Richmond, VA.

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

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