



Virginia Freedom of Information Advisory Council

HB 980 Subcommittee

July 26, 2022, at 10:00 a.m.

Subcommittee Room #2, Pocahontas Building

foiacouncil.dls.virginia.gov

The HB 980 Subcommittee (the Subcommittee) of the Virginia Freedom of Information Advisory Council (the Council) met with Delegate Marcus B. Simon, chair, presiding.¹ The meeting began with introductions and opening remarks followed by presentations and discussion. Materials presented at the meeting, as well as all written public comments, are accessible through the [Council's 2022 Subcommittees webpage](#).

Presentation: HB 980 (Williams Graves, 2022)

Delegate Angelia Williams Graves

Delegate Williams Graves presented a brief overview of HB 980 and stated that its intent is to amend an existing exemption² to include email addresses as exempt from disclosure when filing anonymous complaints in regard to local investigations. HB 980 also adds local public health and safety, nuisance, and waste and recycling complaints to those currently listed in the exemption.

Public Comment

The Subcommittee heard comments from the public before discussing HB 980.

- Deborah Bryan, Legislative Affairs Director for Virginia Beach, stated that some anonymous complaints may disclose certain identifying information, using the Customer Relationship Management (CRM) system as an example. Ms. Bryan also stated that Virginia Beach has zoning enforcement and separate code violation departments.
- Megan Rhyne, speaking on behalf of the Virginia Coalition for Open Government (VCOG), found it reasonable to include emails as a disclosure exemption under FOIA but stated that she is not fond of anonymous, government-based tip lines. Ms. Rhyne believed that adding other categories such as nuisances and use of property can lead to unfounded complaints and retaliation.
- Phyllis Errico, speaking on behalf of the Virginia Association of Counties (VACo) and Virginia Municipal League (VML), described HB 980 as administrative modernizations of provisions that already exist. Ms. Errico also stated that the investigation aspect of the bill acts as a safeguard against harassment and retaliation complaints.
- Delegate Williams Graves noted that an investigation will ensue on almost every complaint, whether it is by way of a drive-by to view the property or in-depth interviewing of the accused's neighbors. She stated that she is happy to work with VCOG to determine

¹ **Members Present:** Delegate Marcus B. Simon (chair), Lola Rodriguez Perkins, and Bruce Potter

Members Absent: Amigo Wade and Cullen D. Seltzer

² Subdivision 8 of § 2.2-3705.3 of the Code of Virginia.

the parameters of what constitutes a nuisance. She also reiterated that the bill aims to focus on health and public safety and nuisances.

Discussion: HB 980

After hearing public comment, the Subcommittee continued discussion with how to proceed on HB 980. The Subcommittee agreed that there was a general consensus that personal contact information should be exempt when anonymous complaints are made. Delegate Simon proposed an amendment to the bill to define "personal contact information" using language similar to the definition currently in subdivision 10 of § 2.2-3705.1 of the Code of Virginia to include a "home or business (i) address, (ii) email address, or (iii) telephone number or comparable number assigned to any other electronic communication device." The Subcommittee also directed staff members to add language stating that "information contained in completed investigations shall be disclosed in a form that does not reveal the identity of the complainants or persons supplying information to investigators," based on language currently used in subdivision 7 of § 2.2-3705.3 of the Code of Virginia. The Subcommittee will present the amendments to the Council for its consideration at the next Council meeting.

Next Meeting

No date was set for the next meeting of the Subcommittee.

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

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