



Virginia Freedom of Information Advisory Council

Judicial Update

I. Supreme Court

[Keil v. O'Sullivan](#)

February 12, 2026

In an action by a sheriff's deputy seeking production of records under the Virginia Freedom of Information Act (VFOIA) and the Government Data Collection and Dissemination Practices Act, some of the requested records were produced but some were not. The circuit court and Court of Appeals rejected the deputy's requests for production of the contested records (i.e. the result of an internal administrative investigation, is subject to discretionary, not mandatory, disclosure under Code § 2.2-3706(B)(9)). On this appeal, it is confirmed that the deputy has no remedy under the VFOIA, agreeing with Part II of the opinion of the Court of Appeals. On the claim for production of records under the Government Data Act, however, the judgment of the Court of Appeals upholding the circuit court's dismissal of the deputy's claims is reversed. This case is remanded to the Court of Appeals for further remand to the circuit court to review in camera the records withheld by the Chesapeake Sheriff's Office to determine if anything in those records contains "personal information" subject to the deputy's "rights of data subjects" under Code § 2.2-3806. Matters within those records that do not directly or indirectly contain "personal information," Code § 2.2-3801, about the deputy should be redacted by the circuit court prior to review or access by the deputy. With respect to any ancillary matters necessary to bring this case to closure, the circuit court retains authority to adjudicate them.

II. Court of Appeals

Published Opinion:

[Bd. of Cnty. Supervisors of Prince William Cnty., Va. v. Oak Valley Homeowners Ass'n, Inc., et al.](#)

March 31, 2026

Trial court did not err finding advertising for public hearing violated Code § 15.2-2204(A) and Prince William County Zoning Ordinance zoning ordinance § 32-700.60 and rezonings void ab initio (reference to *Berry v. Board of Supervisors*, 302 Va. 114 (2023)). Minor portion of opinion (one paragraph on bottom of page 36 of 53) applicable to VFOIA (Code § 2.2-3707(G) concerning availability of "at least one copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting shall be made available for public inspection at the same time such documents are furnished to the members of the public body"). Court of Appeals found saving provision inapplicable and advertising deficiencies not excused by actual notice. Rezonings cannot be grouped for standing and standing sufficient to challenge each separate rezoning. Result: affirmed in part, reversed in part, and continued partial stay.



Unpublished Opinions:

Virginia State Conference NAACP, et al. v. Governor Glenn A. Youngkin, et al.

May 08, 2025

Appeal dismissed without prejudice. January 16 order was not a final order under Rule 1:1(b) because it did not fully dispose of statutory claims asserted in petition. The January 16 order held that the Governor had “established by a preponderance of the evidence that all the records contained in the restoration of rights applicant database are exempt from mandatory production pursuant to Code § 2.2-3705.7(2).” The unresolved statutory claim for attorney fees qualified as a matter still pending. Matter remanded for further proceedings.

Virginia Department of Corrections v. Insider, Inc., et al.

October 28, 2025

Trial court erred granting petition for writ of mandamus pursuant to VFOIA. Surveillance videos and bite reports exempt under Code § 2.2 3706(B)(4). The Court of Appeals found the statutory language to be clear and unambiguous and that the appellee waived right to request bite reports and nine of surveillance videos by agreement. Errors were not harmless as substantial justice not reached because affirming the circuit court would compel VADOC to provide records that are within their discretion to disclose. Judgment reversed.