I would like to supplement my previously submitted public comment concerning student-record transparency, public institutional accountability, and Virginia FOIA exemptions.

My additional concerns involve potential conflicts of interest, access to legal representation, and the role of artificial intelligence in helping citizens navigate government transparency laws.

The Virginia Attorney General's Office provides legal representation to public institutions and may assert FOIA exemptions concerning records related to those institutions.

Representatives of the Attorney General's Office also participate in FOIA policy discussions involving laws and enforcement procedures that citizens rely upon when challenging government withholding decisions.

Although these overlapping responsibilities do not automatically establish a legal conflict of interest, they raise questions about independent oversight and public confidence.

AI and Access to Justice

As the Council considers artificial intelligence and its implications for FOIA administration, I respectfully ask that it also consider the perspective of citizens who cannot obtain or afford legal representation.

Public institutions have access to government attorneys, while individuals challenging withholding decisions may be required to navigate complex statutes, exemptions, procedural requirements, and court proceedings without counsel.

AI tools can assist citizens in researching laws, organizing documentation, understanding procedures, and identifying questions requiring legal review.

These tools are not substitutes for attorneys, and their outputs must be independently verified. However, restricting or discouraging their responsible use without addressing the underlying barriers to legal assistance could further disadvantage self-represented individuals.

I respectfully ask the Council to consider:

1. What safeguards ensure impartial FOIA oversight when government attorneys participate in policy development while representing public bodies in FOIA disputes?
2. Are existing conflict-of-interest disclosure and recusal requirements sufficient?
3. How can citizens independently verify that statutory exemptions have been properly applied?
4. How can Virginia promote responsible AI use while protecting access to information and legal processes for individuals without counsel?
5. Should additional procedural assistance or independent review mechanisms be available to self-represented FOIA petitioners?

My individual FOIA enforcement matter is pending before a court. I am not requesting that the Council intervene in that proceeding.

I am requesting that the Council examine whether Virginia's existing transparency and enforcement framework provides meaningful and equitable access to government accountability.

Access to public records should not depend on an individual's ability to afford legal representation.

Thank you for your consideration.

Respectfully,

Ashley Garrison