

Virginia Freedom of Information Advisory Council

September 22, 2025

Judicial Update

[Breaking Through Media v. Seaton](#) (Court of Appeals-unpublished) 8/26/2025

On March 20, 2023, the Augusta County Board of Supervisors held a meeting with a closed session portion. Board member Seaton secretly recorded closed sessions, including the March 20 session. On August 7, 2023, Breaking Through Media and Samuel Orlando submitted a VFOIA request to Seaton seeking recordings of the March 20 closed session regarding Board member Morelli's resignation. Seaton forwarded the request to the Board's FOIA officer but failed to ensure a timely response. The County responded on August 25, citing exemptions under Code §§ 2.2-3705.1(5), 2.2-3711(A)(1), and 2.2-3711(A)(5) to withhold the recording. The circuit court initially ordered disclosure but after in camera review found the recording contained personnel information exempt from disclosure.

In an unpublished opinion, the Court of Appeals upheld a lower court's denial of an injunction as a remedy for Augusta County's failure to respond to FOIA request within the required deadline. The court also said the plaintiff didn't substantially prevail on the "main object" of their petition, which was to force disclosure of records the court agreed were exempt under the personnel information exemption.

[Maddox v. City of Chesapeake](#) (Court of Appeals-unpublished) 9/2/2025

Mr. Maddox petitioned the circuit court for a writ of mandamus requiring the Chesapeake Police Department (CPD) to provide 911 dispatch employee schedules under the Virginia Freedom of Information Act (FOIA). The circuit court found that the requested documents created a security risk for an employee and that redactions would not mitigate the risk pursuant to Va. Code 2.2-3704.01 "A public record is entirely exempt when an exclusion from disclosure applies to the entire content of the public record" and Va. Code 2.2-3705.2(14)(c) "Records of personnel deployments are exempt when disclosure would jeopardize the safety or security of any person." The circuit court dismissed Maddox's petition. On appeal, Maddox argues that CPD was required to produce the requested records with redactions. Both parties waive oral argument on this appeal. Finding no error and that the record presented supports the circuit court's conclusion that redaction would not alleviate the specific security concerns presented on these unusual facts, the Court of Appeals affirmed the circuit court's judgment.

[Horner v. Office of the Attorney General](#) (Court of Appeals-unpublished) 9/2/2025

Mr. Horner appealed the circuit court's judgment denying his petition for a writ of mandamus requesting the Office of the Attorney General (OAG) provide documents in response to his Virginia Freedom of Information Act (FOIA) requests. Horner assigns error to the circuit court's decision to view the documents in camera "at the pleadings stage and in an evidentiary vacuum"

and its holding that the working papers exemption applied to the entire office of the Attorney General and that the documents at issue were not prepared for the "personal or deliberative use" of the Attorney General. Additionally, Horner appealed the circuit court's failure to order production of the documents in redacted form and its failure to provide an analysis of its justification. Regarding in camera review: the Court of Appeals cited Virginia Supreme Court precedent establishing that in camera review is a proper method for examining documents in FOIA cases, even at the pleadings stage. Regarding the "working papers" exemption in Va. Code 2.2-2705.7(2): the court applied the "series-qualifier canon" of statutory interpretation to conclude that "Office of" applies to all three entities listed (Governor, Lieutenant Governor, and Attorney General). The court also determined that a common-sense reading of the statute would include high-ranking officials within the OAG. Regarding redacted records: the court found that Horner's argument assumed its own conclusion and provided no substantive justification for why the circuit court's analysis was flawed. The Court of Appeals affirmed the circuit court's judgment.

[Minium v. Hines](#) (Va. Ct. App. 2025) was appealed but was declined review by Virginia Supreme Court.