HJR 96 Study Issues continued to 2017

- Proprietary records and trade secrets draft proposed by the Virginia Press Association. Note: The Record Subcommittee recommended that study of § 2.2-3705.6 (proprietary record exclusions) be carried over to 2017 as efforts were unsuccessful in reaching consensus to create a general exemption for trade secrets and proprietary records.

- Review of FOIA in light of advancement in technology
  - FOIA policy statement. *At the beginning of the HJR 96 study, staff suggested that FOIA be amended to include a policy statement to the effect that: "Any public body procuring any computer system, equipment or software, shall ensure that the proposed system, equipment or software is capable of producing public records in accordance with this chapter."* It is believed that inclusion in FOIA as part of its policy statement would enhance compliance with the redaction rule of FOIA.
  - Definitions
  - Vendor proprietary software” is exempt from release under FOIA (2.2-3705.1(6)), necessity to continue to include the exemption for software “developed by or for a state agency……” in 2.2-3705.1(7)? (From Chairman's list of FOIA issues)
  - Website posting of notice and minutes (§§ 2.2-3707 and 2.2-3707.1
  - Texting among members during public meetings

- Access to law-enforcement records (§ 2.2-3706)

- Personnel records (§ 2.2-3705.1)

- Enforcement of FOIA; penalties for violations.
• Reorganization of FOIA. Examine the organizational structure of FOIA and make recommendations to improve the readability and clarity.