



***VIRGINIA FREEDOM OF INFORMATION
ADVISORY COUNCIL***

**Wednesday, March 23, 2005
2:00 p.m. House Room D
General Assembly Building**

SUGGESTED AGENDA

- 1. Call to Order; introduction of members.**
- 2. Recap of FOIA and Related Access Bills from 2005 Session of General Assembly.**
- 3. Legislation Referred to FOIA Council for Study:**
 - **HB 1733 (Cosgrove); record exemption for certain email addresses.** Revises a current exemption for personal information, including electronic mail addresses, to allow the withholding of such information unless the subject of the record waives the protections afforded by the exemption. Currently, the presumption is that the record is open unless the subject of the record indicates that the record should not be released.
 - **HB 2672 (Plum); meetings exemption.** Amends an existing meetings exemption to allow for closed meetings to discuss records exempt from public disclosure relating to the Public-Private Education Facilities and Infrastructure Act (PPEA).
 - **HB 2760 (Reese); electronic meetings.** Allows local public bodies to conduct meetings under FOIA through electronic communication means (telephone or audio/visual). Currently, only state public bodies may conduct meetings in this manner.
 - Development of study plan.
- 4. Other Business.**

- Mandated responses to FOIA requests; appropriateness of adding a fifth response--"The requested records do not exist."
- Production of public records--FOIA requests and licensing agreements under the Virginia Information Technologies Agency (VITA).
- Charges for databases; review of disparate provisions in the Code of Virginia. (Subsection J of § 2.2-3704, §2.2-4008, etc.).
- Review of FOIA provisions relating to release of administrative investigations of various mental health agencies. (Subdivisions 3, 5, and 8 of § 2.2-3705.3 and subdivision 1 of § 2.2-3705.5).
- Report on Sunshine Week-- Joe Budd, Virginia Association of Broadcasters; Ginger Stanley, Virginia Press Association.

5. Of Note:

- Latest stats on services rendered by FOIA Council.
- FOIA Council's 2004 Annual Report published as House Document No. 45 (December, 2004).
- Planning for Symposium on Children's Records.
- Planning begins for Annual Statewide FOIA Workshops.

6. Public Comment.

7. Set future meetings.

8. Adjournment.

Council Members

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Ralph L. "Bill" Axselle
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 Alan Gernhardt, Staff Attorney

The joint subcommittee's web site is: <http://dls.state.va.us/foiacouncil.htm>. To assist us in providing Internet dissemination of materials, joint subcommittee presenters are requested to submit written comments and handouts in electronic format by (i) e-mail to staff prior to meetings or (ii) diskette furnished to staff at meetings. Presenters are also requested to bring 20 copies of their remarks or handouts to meetings. These copies will be provided to joint subcommittee members and the public.
 E-mail: foiacouncil@leg.state.va.us.