



VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL
COMMONWEALTH OF VIRGINIA

Delegate Marcus B. Simon, Chair
Senator Mamie E. Locke, Vice-Chair

Alan Gernhardt, Esq., Executive Director
Joseph Underwood, Esq., Senior Attorney
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VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

Monday, May 4, 2026, 2:00 p.m.
House Room B - 205, General Assembly Building
Richmond, Virginia

Note: This meeting will be held in person and live streamed at
<https://viriniageneralassembly.gov/house/committees/commstream.html>

SUGGESTED AGENDA

ANNOTATED

- 1. Call to Order; introduction of new member.** Welcome to new member Delegate Kimberly Pope Adams.
- 2. Discussion; election of FOIA Council Chair and Vice-Chair.** Elections were last held May 28, 2024. Pursuant to subsection D of § 30-178 of the Code of Virginia; the members of the Council shall elect from among their membership a chairman and a vice-chairman for two-year terms. The chairman and vice-chairman may not succeed themselves to the same position.
- 3. Legislative Update.** Recap of FOIA and other access bills from the 2026 Session of the General Assembly.
- 4. Bills Referred by the 2026 Session of the General Assembly:**
 - **HB159 (Simon) Virginia Freedom of Information Act; proceedings for enforcement; petition for mandamus or injunction.** Specifies that service of process or a summons for a hearing shall not be required when a petition for mandamus or injunction to enforce rights granted under the Virginia Freedom of Information Act has been filed.
 - **HB160 (Simon) Virginia Freedom of Information Act; officers, employees, or members of a public body; alleged willful and knowing violations; mitigating factors to be considered.** Specifies that civil penalties may only be imposed on officers, employees, or members of a public body in actions brought against them in their individual capacity for certain violations of the Virginia Freedom of Information Act. The bill further requires a court, when determining whether an officer, an employee, or a member of a public body has committed certain violations of the Virginia Freedom of Information Act willfully and knowingly, to consider certain mitigating factors, including good faith reliance on (i) opinions of the Attorney General; (ii) court cases substantially supporting such officer's, employee's, or member's actions; (iii) advisory opinions of the Virginia Freedom of Information Advisory Council; and (iv) advice of counsel for the public body, as evidence that such officer, employee, or member did not willfully and knowingly commit such violation. Current law provides any officer, employee, or member of a public body the right to

introduce at any proceeding regarding such willful and knowing violation a copy of a relevant advisory opinion issued by the Virginia Freedom of Information Advisory Council. This bill is a recommendation of the Boyd-Graves Conference.

- **HB313 (Wachsmann) Virginia Freedom of Information Act; public records to be open to inspection; non-citizen property owners.** Includes non-citizens owning property within the Commonwealth among the list of persons to whom all public records shall be open under the Virginia Freedom of Information Act.
 - **HB463 (Cohen) Virginia Freedom of Information Act; definitions; meetings; quorum and electronic communication.** Amends the definition of "meeting" for purposes of the Virginia Freedom of Information Act such that any assemblage of a quorum of the constituent membership of a public body constitutes a meeting. Under current law, as many as three members or a quorum, if less than three, of the constituent membership of a public body constitutes a meeting. The bill additionally authorizes members of a public body participating through electronic communication in a meeting in which other members are participating in person to count toward the quorum as if the individual were physically present, should such member's physical absence be due to an approved cause of absence.
5. **Business Continued from Prior Year.** Fifty state research on personal information as it relates to FOIA and open records.
 6. **Emerging Impact on AI Generated Communications on FOIA.** Presented by Molly Shannon on behalf of Fairfax County.
 7. **Subcommittee Appointments.**
 8. **Judicial Update.**
 9. **Public Comment.**
 10. **Set Future Meeting Dates.**
 11. **Adjournment.**

Council Members

Delegate Marcus B. Simon
Delegate Kimberly Pope Adams
Chad Owen
Jacob R. "Jake" Lambert
Maria J.K. Everett
Corrine Louden
Lindsay Fisher

Senator Mamie E. Locke, Vice-Chair
Senator Richard H. Stuart
Amigo Wade
Chidi James
Ken Reid
Lola Rodriguez Perkins
Dwayne Yancey

Staff

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Fiora DeBorous, Program Coordinator

The FOIA Council's website is: foiacouncil.dls.virginia.gov. To assist us in providing Internet dissemination of materials, presenters are requested to submit written comments and handouts in electronic format by email to staff prior to meetings. Presenters are also requested to bring 20 copies of their remarks or handouts to meetings. These copies will be provided to FOIA Council members and the public.