



Virginia Freedom of Information Advisory Council

September 22, 2025, at 1:00 p.m.

House Room B, General Assembly Building

foiacouncil.dls.virginia.gov

The Virginia Freedom of Information Advisory Council (the Council) met with Delegate Marcus B. Simon, chair, presiding.¹ The meeting began with introductions, the welcoming of new Council member Jake Lambert as the new representative for the Office of the Attorney General, and new Council staff members Matteo Murrelle, Staff Attorney, and Fiora DeBorous, FOIA Program Coordinator.

The Council received updates from Subcommittee Chairs. Ms. Lola Rodriguez Perkins, Records Subcommittee Chair, provided Council updates on the redraft of HB 1590 (Kent, 2025), the review of Council staff research on vexatious requests and personal information. Ms. Maria J.K. Everett, Meetings Subcommittee Chair, updated the Council on the consideration of redefining the term "meetings" as defined in § 2.2-3708.2 of the Code of Virginia, advising Council no action was taken as the topic requires further review. Ms. Everett provided an update on the review of SB 876 (Ebbin, 2025). Council motioned and approved Legislative Draft 26100105D (LD 26100105D) of SB 876 via Council vote. The Meetings Subcommittee also reviewed and approved FOIA Council training documents for individuals and organizations wishing to provide formal FOIA officer trainings to the public and public bodies.

Materials presented at the meeting are accessible through the Council's [Meetings webpage](#).

Subcommittee Report: Records Subcommittee

Lola Perkins, Subcommittee Chair

Subcommittee Chair, Mrs. Perkins, reported that the Records Issues Subcommittee met on September 22, 2025, to consider the redraft of HB 1590 (Kent, 2025). Ms. Perkins advised the Subcommittee unanimously recommended an amended version of the bill for full Council voting.

The Subcommittee provided an update on staff research on country-wide use of the term "personal information" in relation to FOIA. After discussion, Subcommittee members advised that additional insight is needed, Council staff will expand their research and report findings on a later date.

On the topic of vexatious requests, Ms. Rodriguez Perkins advised the Council that the subject requires further review as the Subcommittee concluded that Commonwealth agencies currently

¹ **Members Present:** Delegate Marcus B. Simon (chair), Senator Richard H. Stuart, Maria J.K. Everett, Lindsay Fisher, Chidi I. James, Jake Lambert, Corrine Loudon, Chad Owen, Ken Reid, Lola Rodriguez Perkins, Amigo Wade, Dwayne Yancey

Members Absent: Senator Mamie E. Locke (vice-chair), Delegate Elizabeth B. Bennett-Parker

do not track vexatious requests and additional research and response is needed, no further action was recommended.

Subcommittee Report: Meetings Subcommittee

Maria J.K. Everett, Subcommittee Chair

Subcommittee Chair, Ms. Maria J.K. Everett, reported the Subcommittee will be presenting multiple drafts of SB 876 (Ebbin, 2025) and a letter submitted by Delegate Elizabeth Bennett-Parker voting.

Philip Abraham, the Vector Corporation, presented the Subcommittee with a redraft of the definition of "meeting" to address meetings of certain state agency stakeholder advisory bodies. After discussing the draft the Subcommittee agreed to continue the discussion as additional study is needed.

Presentation: SB 876 (Ebbin, 2025)

Council Staff

Council considered three legislative drafts of SB 876 and a letter to the Council on behalf of Delegate Elizabeth Bennett Parker regarding agenda requirements and the definition of "final actions." Council advised the key policy difference between the alternative drafts concerned whether the definition of "final action" should exclude the issuance of non-binding advice, recommendations, analysis, or proposals made by advisory bodies.

Jeremy Bennett, (Virginia Association of Counties and Fairfax County) and Chris Lane (Arlington County) endorsed the draft that would exclude non-binding advisory actions from the definition of final action (LD 26100449D), arguing that advisory committees lack final authority and imposing strict agenda requirements would create unnecessary liability for volunteers.

Megan Rhyne advised VCOG supported the original Subcommittee recommended draft of (LD 26100105D) as it provided the necessary restrictions to advisory boards. Ms. Rhyne argued that recommendations from advisory bodies carry significant weight, and weakening agenda requirements reduces public input.

Aimee Perron Seibert, the Virginia Press Association (VPA) advised that applying different rules to different types of public bodies complicates definitions under FOIA. Ms. Perron Seibert further advised that the VPA supported draft (LD 26100105D).

After further debate and review the Council moved to recommend draft (LD 26100105D). Council proceeded with a roll call vote on the motion to adopt (LD 26100105D) as presented. The motion passed with 10 yea and 2 nay votes.²

Presentation: Training Approval Process

Council Staff

Staff presented draft materials for the training approval process mandated by HB 2152 (Carr, 2025). Staff suggested to Council the following guidelines:

² All members present voted in favor except Council members Lola Perkins and Ken Reid voted against the motion.

- Training instructors are required to include FOIA subject matter experts, including attorneys, experienced FOIA officers or municipal clerks with a minimum of two years of experience;
- Requiring applicants to state if a fee is associated with the course and the amount;
- Course providers for virtual and prerecorded trainings are required to provide attendance monitoring plans;
- Course approvals will have a two-year life cycle;
- Staff advised the document review and submission process will provide acknowledgement of receipt within two (2) business days, course approval within two (2) weeks, and courses currently approved for credit by other credentialing agencies may be considered for an expedited approval process.

Council motioned to adopt the training approval process as outlined by staff. The motion was adopted unanimously by voice vote.

Presentation: HB 2452 (Hodges)

Council member representative for the State Council of Higher Education for Virginia (SCHEV), Maria J.K. Everett, provided an update on HB 2452 (Hodges), which studies public access and uniform minimal standards for meetings of governing boards of public institutions of higher education.

Ms. Everett advised SCHEV is preparing a formal report outlining cost in relation to accessibility requirements under the Americans with Disabilities Act (ADA).

Presentation: Judicial Update

Council Staff

Staff Senior Attorney provided Council with an update on recent unpublished Court of Appeals cases.

Breaking Through Media v. Seton: The Court of Appeals upheld the denial of disclosure of a closed session recording, finding that a valid exemption for personal information applies even if the public body missed the response deadline.

Maddox v. Chesapeake Police Department: The Court of Appeals upheld the denial of a former employee's request for co-worker schedules, concluding that disclosure presented a security risk.

Horner v. Office of the Attorney General: The Court of Appeals affirmed that in camera review is proper and that the Working Papers exemption applies to the entire Office of the Attorney General.

Minimum v. Hines: The Supreme Court denied review, thus upholding the ruling that awarded Minimums access to employment personnel records from the Hanover County Sheriff's Office.

Public Comment

Megan Rhyne, Virginia Coalition for Open Government (VCOG), addressed concerns regarding unpublished opinions of *Maddox v. Chesapeake Police Department*. Ms. Rhyne advised the



ruling appeared to rely on the identity of the requester (a former employee) to justify withholding records due to security risk, violating the principle of requester neutrality.

Ms. Rhyne discussed the *Horner v. Office of the Attorney General* ruling to apply the working papers and correspondence exemption to the Office of the Attorney General.³ Ms. Rhyne advised the statutory language of the exemption explicitly only covers the Attorney General, not the Office of the Attorney General (as opposed to the "Office of the Governor," for example, which is a defined term in the same exemption).

Ms. Rhyne notified the Council of possible pending legislation in the City of Stanton which is aimed to exempt utility account numbers from mandatory disclosure.

Ms. Rhyne reported an increase in FOIA cases being dismissed based on procedural hurdles citing improper service as an example. She further advised that VCOG has contacted the appropriate offices regarding changes in judicial manuals.

Philip F. Abraham, The Vectre Corporation, contended stakeholder advisory groups and suggested if advisory groups cannot be exempted from the three-person meeting rule, Council should consider exempting them from virtual meeting restrictions to allow members to participate virtually.

Future Meeting Dates and Adjournment

Council agreed that this meeting would conclude business for the calendar year. The Council will work to secure patrons for the recommended bills addressed in this meeting. The meeting was adjourned by the Honorable Mark B. Simon, Chair.

³ Subdivision 2 of § 2.2-3705.7 of the Code of Virginia.



For more information, see the [Council's website](#) or contact the Division of Legislative Services staff:

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