

**FOIA RECORD Exemptions:
Criteria for measuring "appropriateness" of any
exemption.**

Exemption under consideration:

- Relating to:

- Code Section(s) and subdivision
reference: _____

- Date reviewed; action recommended by
subcommittee: _____

- Action by FOIA Council;
date: _____

1. Policy basis for exemption: ((i) public good--protection of (a) the public purse or (b) the public bargaining, negotiating, litigating position; (ii) attorney/client or other privilege recognized by law; (iii) protection of privacy interest--personal identifying information, financial information, health information; or (iv) protection of trade secrets, intellectual property or other proprietary interest--
 - Does original rationale for the language still stand or has it weakened or disappeared since the language was enacted?

2. Application of the narrow construction rule found in FOIA at § 2.2-3700--

- Is the language easy to understand and apply or does it create gray areas of interpretation that invite disagreements?
- Is language consistent with other provisions of FOIA or does the imprecise use of words/phrases generate ambiguities?
- Is language necessary in light of other provisions of the Code of VA?

3. Need to update and/or clarify nomenclature/technology terms--

- Is the language redundant or repeat concepts already expressed in FOIA?

4. Impact of VA Supreme Court decisions and/or opinions of the Attorney General and/or the FOIA Council that interpret this exemption--

- Should current language be changed to reflect these decisions/opinion?

5. Legislative history and intent, to the extent available.

6. Need to review comparable provisions in other states' FOIA laws; if so, do other states' statutes improve or provide needed clarity?

7. Staff recommendations, if any.

8. Notes.

July 8, 2014 Meeting:

Abbreviations:

c. or cc.	chapter(s) of Acts of Assembly
'EE	Employee
'ER	Employer
K	Contract
NIR	No Issue Raised
N/C	No Comments
Pbod	Public Body
Prec	Public Record
Rec	Recommendation
TBC	To Be Continued
VACO	VA Association of Counties
VCOG	VA Coalition for Open Government
VML	VA Municipal League
VPA	VA Press Association

Subcommittee member and staff name abbreviations:

RT	Robert (Bob) Tavenner
CA	Chris Ashby
SH	Stephanie Hamlett
EJ	Ed Jones
TO	Tim Oksman
ME	Maria Everett, staff
AG	Alan Gernhardt, staff
