



VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

COMMONWEALTH OF VIRGINIA

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September 9, 2024
10:00 AM
(via Zoom)

PROPOSED AGENDA (Annotated)

SB 324 Workgroup Studying Charges under the Virginia Freedom of Information Act

- 1. Call to Order, introduction of participants.**
- 2. Review draft proposed best practices for making a request.** *At the last workgroup meeting staff presented a draft best practices guide for making requests for the workgroup's consideration. By consensus, the workgroup decided to wait until today's meeting to address the draft so that interested parties would have time to review it and to submit their own recommendations for best practices. Note that at its last meeting the workgroup also suggested submitting suggestions for best practices for public bodies in handling requests, but none were received before today's meeting.*
- 3. Discuss current Virginia law on procedures for responding to a request.** *At its first meeting the workgroup agreed by consensus to study certain parts of the process of making and responding to a request and how they affect the costs involved, beginning with the process of making the initial request and negotiating its terms as needed discussed at the workgroup's last meeting. At its last meeting, the workgroup considered how requests are processed after being received and how the process(es) involved affect costs. At the end of the meeting it was suggested that the workgroup continue that discussion today to address the following issues:*
 - What should be the dollar amount of any cap on hourly fees?
 - Who should be exempt from paying fees? (Ex. in-state v. out-of-state, journalists, students and their parents seeking scholastic records)
 - What custodians of records should be exempt from the cap on hourly fees? (Ex. attorneys?)

4. Discuss broader issues that may affect charges under FOIA. *As described in the workgroup's study plan, today's meeting is also to address broader structural issues that may impact charges for requests such as the following topics:*

- What should be the role of the FOIA Council?
- Use of technology and how it affects charges (ex. storage, retrieval, and search of electronic files)
- Funding from the state budget
- Who should serve as FOIA officers? What should their role be in processing requests?

5. Recommendations for any legislative amendments or guidance documents to be issued regarding the above issues.

6. Determine final recommendations to be made in executive summary and report to the FOIA Council; staff to prepare drafts for the workgroup's consideration.

7. Other Business.

8. Schedule reminder. *The next workgroup meetings are scheduled to be held virtually at 10 AM on the following dates:*

Monday September 30

Monday October 21 (if needed)

9. Adjournment.

Staff

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