



# VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

## COMMONWEALTH OF VIRGINIA

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**September 30, 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 its last meeting the workgroup by consensus agreed to a draft guide to best practices for making requests to be presented to the FOIA Council. At the Council meeting on September 16, the Council received three versions of the guide: (1) the version from the workgroup; (2) a shortened version of the same guide presented by the Virginia Coalition for Open Government; and (3) another version of the shortened guide as edited by Council member Ken Reid. Because the workgroup had not seen the latter two versions the Council directed staff to present all three to the workgroup for its recommendation.*
- 3. Fee cap drafts.** *At its last meeting the workgroup suggested drafting alternative fee cap language both in the form of legislation and in the form of best practices language, based on language taken from York County's FOIA policy. One alternative would set the cap at the median employee hourly rate or rate of the employee who actually did the work, whichever is less. The other would set the cap at the median employee hourly rate or \$40 per hour, whichever is less.*
- 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 October 21 (if needed)

9. **Adjournment.**

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**Staff**

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