



Use of the term "Personal Information" in FOIA

Prepared by the Virginia Freedom of Information Advisory Council

Records Subcommittee

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Code section	Phrasing used	Context
§ 2.2-3705.4 (A)(6)	"Personal information, as defined in § 2.2-3801" then three references to "personal information"	Commonwealth Savers Plan prepaid tuition contracts or savings trust account agreements
§ 2.2-3711 (A)(25)	"Personal information, as defined in § 2.2-3801"	Meetings exemption that corresponds to § 2.2-3705.4 (A)(6)
§ 2.2-3705.7 (8)	"Personal information, as defined in § 2.2-3801"	VHDA loans or other housing assistance
§ 2.2-3705.7 (13)	"Personal information"	Assistive Technology Loan Fund Authority loan applicants or recipients
§ 2.2-3705.7 (27)	"Personal information, as defined in § 2.2-3801"	Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers
§ 2.2-3705.7 (36)	"Personal information"	Virginia Lottery - voluntary exclusion program
§ 2.2-3705.7 (37)	"Personal information"	Virginia Lottery - identity of any person reporting prohibited conduct

State	Key Terms Used	Notable exclusions / limits
Alaska	Information identifying a person and supporting judgments about personal characteristics	Published directory name, address, or telephone number; public-job information
Illinois	SSN, driver's license, employee ID, biometrics, financial information, passwords/access codes, medical records, personal contact information, home address, personal license plates, HIPAA electronic medical-record information	Home address and license plates excluded when compiled without possibility of attribution or as otherwise provided by law
Maryland	Name, address, email, ID numbers, medical/disability information, photo/image, SSN, telephone number	Driver's status, driving offenses, five-digit ZIP code, vehicular accident information
New Mexico	Partial tax/financial/credit/debit/driver's license numbers, DOB except year, SSN, certain nonelected employee home street addresses	Allows last four digits for listed numbers; allows year of birth; employee address protection excludes city, state, and ZIP
Ohio	SSN, tax ID, driver's license/state ID, checking/savings/credit/debit accounts, other financial or medical account numbers	Definition is tied to § 149.45 and appears narrower than open-ended "identifies an individual" formulations

Five state comparison of the terms that are covered within their PI definition

Category	Maryland Public Information Act (PIA)	Virginia Freedom of Information Act (FOIA)
Statutory Definition of "Personal Information"	<p>Maryland has a general, express, chapter-wide statutory definition in GP § 4-101(h).</p> <p>"Personal information" is defined as "information that identifies an individual," including name, address, email address, Social Security number, driver's license/government ID, medical/disability information, photograph, and telephone number.</p>	<p>Currently, the phrase is not defined within FOIA itself (§ 2.2-3701). Four FOIA exemptions reference "personal information" as defined in § 2.2-3801 (under the Government Data Collection and Dissemination Practices Act), while three other exemptions use the term without any statutory definition or cross-reference.</p>
"Unwarranted Invasion of Personal Privacy" (UIPP) Standard	<p>Maryland has no general, catchall statutory exemption for "unwarranted invasion of privacy". Instead, GP § 4-103(b) establishes UIPP as a rule of construction: the statute must be construed in favor of disclosure:</p> <p><i>"To carry out the right set forth in subsection (a) of this section, unless an unwarranted invasion of the privacy of a person in interest would result, this title shall be construed in favor of allowing inspection of a public record, with the least cost and least delay to the person or governmental unit that requests the inspection."</i></p>	<p>Virginia has a UIPP standard related to its personnel records exemption (§ 2.2-3705.1(1)) via judicial interpretation. In <i>Hawkins v. Town of South Hill</i> (2022), the Supreme Court of Virginia ruled that employee records are private if disclosure would constitute an unwarranted invasion of personal privacy to a "reasonable person" under the circumstances.</p> <p>Note that the UIPP is also used in § 2.2-3706.1. relating to law-enforcement records, but as of this writing, there have been no cases interpreting this standard in the context of the exemption.</p>
Shared Terms	(iv) driver's license number or any other identification number; (v) medical or disability information;(vi) photograph or	social security number, driver's license number, medical history, physical or digital photographs, videos, or audio,

	computer-generated image; (vii) Social Security number.	
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Comparing Maryland and Virginia