VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

COMMONWEALTH OF VIRGINIA

Delegate Marcus B. Simon, Chair
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Alan Gernhardt, Esq., Executive Director
Joe Underwood, Esq., Senior Attorney
Lauren Waller, Research Associate

General Assembly Building ~ 201 North 9th Street, 4th Floor ~ Richmond, Virginia 23219
(Phone) 804-698-1810 ~ (Toll Free) 1-866-448-4100 ~ (Fax) 804-698-1899
http://foiacouncil.dls.virginia.gov ~ foiacouncil@dls.virginia.gov

VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

Monday, July 7, 2025 - 1:00 PM
House Room B, General Assembly Building
Richmond, VA

Note: This meeting will be held in person and live streamed at
https://virginiageneralassembly.gov/house/committees/commstream.html

SUGGESTED AGENDA
ANNOTATED

1. **Call to Order; introduction of members.** *Welcome to new members Dwayne Yancey, appointed by the Speaker of the House as a citizen member of the news media, and Chad Owen, Manager of the Records Analysis Section of the Library of Virginia, as the designee of the Librarian of Virginia.*

2. **Subcommittee Reports.**

   - **Records Subcommittee.** *The Subcommittee consists of Council members Lola Perkins (Chair), Maria J.K. Everett, Corrine Louden, and Dwayne Yancey. The Subcommittee met on May 16, 2025 to consider HB 1590 (Kent, 2025), whether there should be a definition of "personal information" in FOIA, and issues concerning vexatious requests or harassment by requesters. The Subcommittee is scheduled to meet again today following the full Council meeting.*

- **Meetings Subcommittee.** *The Subcommittee consists of Council members Maria J.K. Everett (Chair), Delegate Elizabeth Bennet-Parker, Chidi James, Lola Perkins, and Ken Reid. The Subcommittee met on May 16, 2025 to consider SB 876 (Ebbin, 2025), a study referral from the Joint Subcommittee to Study Pandemic Response and Preparedness in the Commonwealth, and stakeholder meetings. The Subcommittee met today, July 7, 2025 to continue consideration of SB 876. The Subcommittee heard from staff regarding legislative changes and implementation regarding electronic meetings since the COVID-19 pandemic, but took no further action regarding the study referral. The Subcommittee plans to invite representatives from affected state agencies to its next meeting in August to give further consideration to the issue of stakeholder group meetings.*

3. **Training approval process.** *As described in the 2025 Legislative Update presented at the Council's last meeting, HB 2152 (Carr, 2025) amends FOIA's training requirements to provide that any legal counsel for a public body who is also designated as the public body's FOIA office) shall complete a training session or online course offered or approved by the Council. The Council has never approved training courses presented by others before so will need to establish a training approval process.*

4. **Bills from the 2025 Session of the General Assembly that include the FOIA Council on studies.**

- **HB 2452 (Hodges). Baccalaureate public institutions of higher education; governing boards;public access to meetings; uniform minimal standards.** Establishes several requirements, subject to a reenactment clause, relating to public access to meetings of the governing boards of baccalaureate public institutions of higher education. The bill also requires the State Council of Higher Education for Virginia, in consultation with the Virginia Freedom of Information Advisory Council and a representative from the Library of Virginia, to work with the public institutions of higher education in the Commonwealth and with technology experts to develop minimal uniform standards, to the extent practicable, for (i) providing the public with real-time access to the meetings of governing boards of public institutions of higher education and the meetings of committees of such boards, (ii) archiving the recordings of such meetings, and (iii) taking minutes at such meetings. The bill requires any such minimal uniform standards to be implemented by each public institution of higher education in the Commonwealth no later than July 1, 2026. *At its last meeting, Council member Maria J.K. Everett volunteered to represent the Council on this study.*

5. **Judicial Update**

- *Commonwealth v. Sawyer* (Va. Ct. App. April 29, 2025). Sawyer sought certain records from the Office of the Governor, which denied her request citing the working papers and correspondence exemption. The Virginia Court of Appeals held that the trial court did not err overruling demurrer to petition for mandamus and injunctive relief seeking records under FOIA, but the trial court erred in compelling disclosure of withheld records without any evidentiary hearing and that it was an abuse of discretion granting mandamus and injunctive relief as

premature. The Court of Appeals reversed and remanded the case to the trial court for an evidentiary hearing to ascertain whether the working papers exemption applies.

6. Other Business.

7. Public Comment.

8. Adjournment.

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Council Members

Delegate Marcus B. Simon
Senator Richard H. Stuart
Dennis Clark
Ryan Ferguson
Maria J.K. Everett
Corrine Louden
Lindsay Fisher
Senator Mamie E. Locke, Vice- Chair
Delegate Elizabeth B. Bennett-Parker
Amigo Wade
Chidi James
Ken Reid
Lola Rodriguez Perkins
Dwayne Yancey

Staff
Alan Gernhardt, Executive Director
Joe Underwood, Senior Attorney
Lauren Waller, Program Administrator

The FOIA Council's website is: http:// foiacouncil.dls.virginia.gov. To assist us in providing Internet dissemination of materials, presenters are requested to submit written comments and handouts in electronic format by email to staff prior to meetings. Presenters are also requested to bring 20 copies of their remarks or handouts to meetings. These copies will be provided to FOIA Council members and the public.
E-mail: foiacouncil@dls.virginia.gov.