VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

COMMONWEALTH OF VIRGINIA

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Records Subcommittee of the Virginia Freedom of Information Advisory Council

Monday, July 7, 2025
2:30 PM or fifteen minutes after adjournment of the FOIA Council (whichever is later in time)
House South Subcommittee Room, Room 210
General Assembly Building
Click HERE for live stream.

PROPOSED AGENDA (Annotated)

1. **Call to Order.**

2. **Redraft of HB 1590.** *As you may recall, the FOIA Council directed the Subcommittee to study several issues, beginning with HB 1590 (Kent), which was referred to the Council by the 2025 Session of the General Assembly. At its last meeting, the Subcommittee directed staff to draft a new version of the bill based on the structure of § 2.2-3705.7 (21), an exemption for certain parks and recreation records concerning minors, and the definition of "personal contact information" in § 2.2-3705.1 (10).*

    - **HB 1590 (Kent) Virginia Freedom of Information Act; exclusions; apprenticeship programs; minors.** Excludes from the mandatory disclosure requirements of the Virginia Freedom of Information Act any personal information in a public record regarding the participation of a minor in a program run by a state public body, such as an internship, externship, or apprenticeship, except as otherwise prescribed by law.

3. **Other issues.** *The Council also directed the Subcommittee to study the following issues after completing its study of HB 1590:*
    - **Definition of "personal information."** The Council observed that HB 1590 and several existing records exemptions use the phrase "personal information." Some of the exemptions cross-reference the definition of "personal information" in the Government Data Collection and Dissemination Practices Act (in Code § 2.2-3801), while others do not have any cross-reference, which could lead to differing interpretations of the same phrase.

Therefore, the Council directed the Subcommittee to study options for drafting a general definition of "personal information" to be added to FOIA (in Code § 2.2-3701). *At its last meeting the Subcommittee decided to ask the Council for direction on whether each exemption should be examined on a case-by-case basis.*

- **Vexatious requests/harassment by requesters.** Noting that the Council last studied this issue in 2010 (see 2010 Subcommittee work here) but did not make any final recommendation (see the Council's November 8, 2010 meeting summary available on the Council Meetings webpage), the Council directed the Subcommittee to study the issue again with the goal of finding a solution to the problem of requesters using FOIA as a weapon that does not also result in a chilling effect on legitimate requests. *The Subcommittee considered the issue at its first meeting but decided to wait to give it further consideration. The Subcommittee directed staff to update the multistate research conducted during the prior study in 2010.*

4. **Discussion.**

5. **Recommendations.**

6. **Other Business.**

7. **Schedule next meetings.** *The Council directed that the 2025 Subcommittees should meet every other month as needed to complete their work. As a reminder, House Joint Resolution 430 provides as follows: "Interim meetings of any standing committee, joint committee, joint subcommittee, legislative commission, or any other interim study subcommittee or study commission shall be held on Monday, Tuesday, Wednesday, or Thursday during the first and third full weeks of the month, unless otherwise authorized by the Speaker of the House of Delegates or the Chairman of the Senate Committee on Rules, as may be appropriate for the house in which the chairman serves. The interim work of any such committee, subcommittee, or commission shall be completed no later than December 4, 2025."*

8. **Adjournment.**

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Subcommittee Members

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