

26100741D

SENATE BILL NO. 56

Offered January 14, 2026

Prefiled November 26, 2025

A BILL to amend and reenact §§ 2.2-2007, 2.2-3704, 2.2-3704.1, 2.2-3714, 2.2-3806, 16.1-77, and 17.1-275 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-3704.02, relating to the Virginia Freedom of Information Act; procedure for responding to requests; charges; posting of notice of rights and responsibilities.

Patron—Roem

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2007, 2.2-3704, 2.2-3704.1, 2.2-3714, 2.2-3806, 16.1-77, and 17.1-275 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-3704.02 as follows:

§ 2.2-2007. Powers of the CIO.

A. The CIO shall promulgate regulations necessary or incidental to the performance of duties or execution of powers conferred under this chapter. The CIO shall also develop policies, standards, and guidelines for the planning, budgeting, procurement, development, maintenance, security, and operations of information technology for executive branch agencies. Such policies, standards, and guidelines shall include those necessary to:

1. Support state and local government exchange, acquisition, storage, use, sharing, and distribution of data and related technologies.

2. Support the development of electronic transactions including the use of electronic signatures as provided in § 59.1-496.

3. Support a unified approach to information technology across the totality of state government, thereby assuring that the citizens and businesses of the Commonwealth receive the greatest possible security, value, and convenience from investments made in technology.

4. Ensure that the costs of information technology systems, products, data, and services are contained through the shared use of existing or planned equipment, data, or services.

5. Provide for the effective management of information technology investments through their entire life cycles, including identification, business case development, selection, procurement, implementation, operation, performance evaluation, and enhancement or retirement. Such policies, standards, and guidelines shall include, at a minimum, the periodic review by the CIO of agency Commonwealth information technology projects.

6. Establish an Information Technology Investment Management Standard based on acceptable technology investment methods to ensure that all executive branch agency technology expenditures are an integral part of the Commonwealth's performance management system, produce value for the agency and the Commonwealth, and are aligned with (i) agency strategic plans, (ii) the Governor's policy objectives, and (iii) the long-term objectives of the Council on Virginia's Future.

B. In addition to other such duties as the Secretary may assign, the CIO shall:

1. Oversee and administer the Virginia Technology Infrastructure Fund created pursuant to § 2.2-2023.

2. Report annually to the Governor, the Secretary, and the Joint Commission on Technology and Science created pursuant to § 30-85 on the use and application of information technology by executive branch agencies to increase economic efficiency, citizen convenience, and public access to state government.

3. Prepare annually a report for submission to the Secretary, the Information Technology Advisory Council, and the Joint Commission on Technology and Science on a prioritized list of Recommended Technology Investment Projects (RTIP Report) based upon major information technology projects submitted for business case approval pursuant to this chapter. As part of the RTIP Report, the CIO shall develop and regularly update a methodology for prioritizing projects based upon the allocation of points to defined criteria. The criteria and their definitions shall be presented in the RTIP Report. For each project recommended for funding in the RTIP Report, the CIO shall indicate the number of points and how they were awarded. For each listed project, the CIO shall also report (i) all projected costs of ongoing operations and maintenance activities of the project for the next three biennia following project implementation; (ii) a justification and description for each project baseline change; and (iii) whether the project fails to incorporate existing standards for the maintenance, exchange, and security of data. This report shall also include trends in current projected information technology spending by executive branch agencies and secretariats, including spending on projects, operations and maintenance, and payments to VITA. Agencies shall provide all project

INTRODUCED

SB56

and cost information required to complete the RTIP Report to the CIO prior to May 31 immediately preceding any budget biennium in which the project appears in the Governor's budget bill.

4. Provide oversight for executive branch agency efforts to modernize the planning, development, implementation, improvement, operations and maintenance, and retirement of Commonwealth information technology, including oversight for the selection, development and management of enterprise information technology.

5. Develop statewide technical and data standards and specifications for information technology and related systems, including (i) the efficient exchange of electronic information and technology, including infrastructure, between the public and private sectors in the Commonwealth and (ii) the utilization of nationally recognized technical and data standards for health information technology systems or software purchased by an executive branch agency.

6. Direct the compilation and maintenance of an inventory of information technology, including ~~but not limited to~~ personnel, facilities, equipment, goods, and contracts for services.

7. Provide for the centralized marketing, provision, leasing, and executing of licensing agreements for electronic access to public information and government services through the Internet, wireless devices, personal digital assistants, kiosks, or other such related media on terms and conditions as may be determined to be in the best interest of the Commonwealth. VITA may fix and collect fees and charges for (i) public information, media, and other incidental services furnished by it to any private individual or entity, notwithstanding the charges set forth in § 2.2-3704.02, and (ii) such use and services it provides to any executive branch agency or local government. Nothing in this subdivision authorizing VITA to fix and collect fees for providing information services shall be construed to prevent access to the public records of any public body pursuant to the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). VITA is authorized, subject to the approval by the Secretary of Administration and any other affected Secretariat, to delegate the powers and responsibilities granted in this subdivision to any agency within the executive branch.

8. Periodically evaluate the feasibility of outsourcing information technology resources and services, and outsource those resources and services that are feasible and beneficial to the Commonwealth.

9. Have the authority to enter into and amend contracts, including contracts with one or more other public bodies, or public agencies or institutions or localities of the several states, of the United States or its territories, or the District of Columbia, for the provision of information technology services.

C. Consistent with § 2.2-2012, the CIO may enter into public-private partnership contracts to finance or implement information technology programs and projects. The CIO may issue a request for information to seek out potential private partners interested in providing programs or projects pursuant to an agreement under this subsection. The compensation for such services shall be computed with reference to and paid from the increased revenue or cost savings attributable to the successful implementation of the program or project for the period specified in the contract. The CIO shall be responsible for reviewing and approving the programs and projects and the terms of contracts for same under this subsection. The CIO shall determine annually the total amount of increased revenue or cost savings attributable to the successful implementation of a program or project under this subsection and such amount shall be deposited in the Virginia Technology Infrastructure Fund created in § 2.2-2023. The CIO is authorized to use moneys deposited in the Fund to pay private partners pursuant to the terms of contracts under this subsection. All moneys in excess of that required to be paid to private partners, as determined by the CIO, shall be reported to the Comptroller and retained in the Fund. The CIO shall prepare an annual report to the Governor, the Secretary, and General Assembly on all contracts under this subsection, describing each information technology program or project, its progress, revenue impact, and such other information as may be relevant.

D. Executive branch agencies shall cooperate with VITA in identifying the development and operational requirements of proposed information technology systems, products, data, and services, including the proposed use, functionality, and capacity, and the total cost of acquisition, operation, and maintenance.

§ 2.2-3704. Public records to be open to inspection; procedure for requesting records and responding to request; transfer of records for storage, etc.

A. Except as otherwise specifically provided by law, all public records shall be open to citizens of the Commonwealth, representatives of newspapers and magazines with circulation in the Commonwealth, and representatives of radio and television stations broadcasting in or into the Commonwealth during the regular office hours of the custodian of such records. Access to such records shall be provided by the custodian in accordance with this chapter by inspection or by providing copies of the requested records, at the option of the requester. The custodian may require the requester to provide his name and legal address. The custodian of such records shall take all necessary precautions for their preservation and safekeeping.

B. A request for public records shall identify the requested records with reasonable specificity. The request need not make reference to this chapter in order to invoke the provisions of this chapter or to impose the time limits for response by a public body. Any public body that is subject to this chapter and that is the custodian of the requested records shall promptly, but in all cases within five working days of receiving a request, provide the requested records to the requester or make one of the following responses in writing:

1. The requested records are being entirely withheld. Such response shall identify with reasonable particularity the volume and subject matter of withheld records, and cite, as to each category of withheld records, the specific Code section that authorizes the withholding of the records.

2. The requested records are being provided in part and are being withheld in part. Such response shall identify with reasonable particularity the subject matter of withheld portions, and cite, as to each category of withheld records, the specific Code section that authorizes the withholding of the records.

3. The requested records could not be found or do not exist. However, if the public body that received the request knows that another public body has the requested records, the response shall include contact information for the other public body.

4. It is not practically possible to provide the requested records or to determine whether they are available within the five-work-day period. Such response shall specify the conditions that make a response impossible. If the response is made within five working days, the public body shall have an additional seven work days or, in the case of a request for criminal investigative files pursuant to § 2.2-3706.1, 60 work days in which to provide one of the four preceding responses.

C. Any public body may petition the appropriate *general district or circuit* court for additional time to respond to a request for records when the request is for an extraordinary volume of records or requires an extraordinarily lengthy search; and a response by the public body within the time required by this chapter will prevent the public body from meeting its operational responsibilities. *The period within which the public body shall respond under this section shall be tolled while such petition is pending before the court. The hearing on any such petition made outside of the regular terms of the court of a locality that is included in a judicial circuit with another locality shall be given precedence on the docket of such court over all cases that are not otherwise given precedence by law.* Before proceeding with the petition, however, the public body shall make reasonable efforts to reach an agreement with the requester concerning the production of the records requested.

D. Subject to the provisions of subsection G, no public body shall be required to create a new record if the record does not already exist. However, a public body may abstract or summarize information under such terms and conditions as agreed between the requester and the public body.

E. Failure to respond to a request for records shall be deemed a denial of the request and shall constitute a violation of this chapter.

F. Except with regard to scholastic records requested pursuant to subdivision A 1 of § 2.2-3705.4 that must be made available for inspection pursuant to the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and such requests for scholastic records by a parent or legal guardian of a minor student or by a student who is 18 years of age or older, a public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records and shall make all reasonable efforts to supply the requested records at the lowest possible cost. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. The public body may also make a reasonable charge for the cost incurred in supplying records produced from a geographic information system at the request of anyone other than the owner of the land that is the subject of the request. However, such charges shall not exceed the actual cost to the public body in supplying such records, except that the public body may charge, on a pro rata per acre basis, for the cost of creating topographical maps developed by the public body, for such maps or portions thereof, which encompass a contiguous area greater than 50 acres. Prior to conducting a search for records, the public body shall notify the requester in writing that the public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records. The public body shall provide the requester with a cost estimate if requested. The period within which the public body shall respond under this section shall be tolled for the amount of time that elapses between notice of the cost estimate and the response of the requester. If the public body receives no response from the requester within 30 days of sending the cost estimate, the request shall be deemed to be withdrawn. Any costs incurred by the public body in estimating the cost of supplying the requested records shall be applied toward the overall charges to be paid by the requester for the supplying of such requested records. Any local public body that charges for the production of records pursuant to this section may provide an electronic method of payment through which all payments for the production of such records to such locality may be made. For purposes of this subsection, "electronic method of payment" means any kind of noncash payment that does not involve a paper check and includes credit cards, debit cards, direct deposit, direct debit, electronic checks, and payment through the use of telephonic or similar communications.

G. Public records maintained by a public body in an electronic data processing system, computer database, or any other structured collection of data shall be made available to a requester at a reasonable cost, not to exceed the actual cost in accordance with subsection F. When electronic or other databases public records maintained by a public body in an electronic data processing system, computer database, or any

other structured collection of data are combined or contain exempt and nonexempt records, the public body may provide access to the exempt records if not otherwise prohibited by law; but shall provide access to the nonexempt records as provided by this chapter.

Public bodies shall produce nonexempt records maintained in an electronic database in any tangible medium identified by the requester, including, where the public body has the capability, the option of posting the records on a website or delivering the records through an electronic mail address provided by the requester; if that medium is used by the public body in the regular course of business. No public body shall be required to produce records from an electronic database in a format not regularly used by the public body. However, the public body shall make reasonable efforts to provide records in any format under such terms and conditions as agreed between the requester and the public body, including the payment of reasonable costs in accordance with § 2.2-3704.02. The excision of exempt fields of information from a database or the conversion of data from one available format to another shall not be deemed the creation, preparation, or compilation of a new public record.

H. In any case where a public body determines in advance that charges for producing the requested records are likely to exceed \$200, the public body may, before continuing to process the request, require the requester to pay a deposit not to exceed the amount of the advance determination. The deposit shall be credited toward the final cost of supplying the requested records. The period within which the public body shall respond under this section shall be tolled for the amount of time that elapses between notice of the advance determination and the response of the requester.

I. Before processing a request for records, a public body may require the requester to pay any amounts owed to the public body for previous requests for records that remain unpaid 30 days or more after billing.

J. G. In the event a public body has transferred possession of public records to any entity, including but not limited to any other public body, for storage, maintenance, or archiving, the public body initiating the transfer of such records shall remain the custodian of such records for purposes of responding to requests for public records made pursuant to this chapter and shall be responsible for retrieving and supplying such public records to the requester. In the event a public body has transferred public records for storage, maintenance, or archiving and such transferring public body is no longer in existence, any public body that is a successor to the transferring public body shall be deemed the custodian of such records. In the event no successor entity exists, the entity in possession of the public records shall be deemed the custodian of the records for purposes of compliance with this chapter; and shall retrieve and supply such records to the requester. Nothing in this subsection shall be construed to apply to records transferred to the Library of Virginia for permanent archiving pursuant to the duties imposed by the Virginia Public Records Act (§ 42.1-76 et seq.). In accordance with § 42.1-79, the Library of Virginia shall be the custodian of such permanently archived records and shall be responsible for responding to requests for such records made pursuant to this chapter.

§ 2.2-3704.02. Charges for the production of public records.

A. Except with regard to scholastic records requested pursuant to subdivision A 1 of § 2.2-3705.4 that shall be made available for inspection pursuant to the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and such requests for scholastic records by a parent or legal guardian of a minor student or by a student who is 18 years of age or older, a public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records and shall make all reasonable efforts to supply the requested records at the lowest possible cost. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication.

B. If the public body chooses to impose a charge for the production of public records pursuant to this section, any charges for staff time shall be calculated based on the median hourly rate of pay of employees of the public body as of the previous July 1 or the actual hourly rate of pay of the employee who is accessing, duplicating, supplying, or searching for the requested records, whichever is the lesser amount. The hourly rate of pay calculated shall not include the cost of fringe benefits or any overhead costs. When calculating the median hourly rate of pay, the hourly rate of pay of full-time and part-time employees shall be included, but the hourly rate of pay of temporary employees shall not be included. A public body that has multiple departments or divisions may calculate separately the median hourly rate of pay for each such department or division based on the hourly rate of pay of employees of that department or division.

With regard to this subsection, a public body may petition the appropriate court for relief from the fee cap imposed by such clause upon showing by a preponderance of the evidence that there is no qualified individual capable of fulfilling the request at the median hourly rate of pay or less. Upon hearing such petition, the court in its discretion may set the hourly rate to be charged not to exceed the actual cost incurred by the public body. Any such petition shall be heard within seven days of the date when the same is made, provided that the public body has sent and the requester has received a copy of the petition at least three working days prior to filing. The hearing on any petition made outside of the regular terms of the circuit court of a locality that is included in a judicial circuit with another locality or localities shall be given precedence on the docket of such court over all cases that are not otherwise given precedence by law. The

period within which the public body shall respond under this section shall be tolled for the amount of time that elapses between the requester's receipt of a copy of the petition and a final disposition of the court. A public body shall not pass along to the requester or otherwise incorporate into allowable charges any court costs or fees resulting from such petition.

C. The public body may also make a reasonable charge for the cost incurred in supplying records produced from a geographic information system at the request of anyone other than the owner of the land that is the subject of the request. However, such charges shall not exceed the actual cost to the public body in supplying such records, except that the public body may charge, on a pro rata per acre basis, for the cost of creating topographical maps developed by the public body, for such maps or portions thereof, that encompass a contiguous area greater than 50 acres.

D. Prior to conducting a search for records, the public body shall notify the requester in writing that the public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records. The public body shall provide the requester with a cost estimate if requested. The period within which the public body shall respond under this section shall be tolled for the amount of time that elapses between notice of the cost estimate and the response of the requester. If the public body receives no response from the requester within 30 days of sending the cost estimate, the request shall be deemed to be withdrawn. Any costs incurred by the public body in estimating the cost of supplying the requested records shall be applied toward the overall charges to be paid by the requester for the supplying of such requested records.

E. Any local public body that charges for the production of records pursuant to this section may provide an electronic method of payment through which all payments for the production of such records to such locality may be made. For purposes of this subsection, "electronic method of payment" means any kind of noncash payment that does not involve a paper check and includes credit cards, debit cards, direct deposit, direct debit, electronic checks, and payment through the use of telephonic or similar communications.

F. Public records maintained by a public body in an electronic data processing system, computer database, or any other structured collection of data shall be made available to a requester at a reasonable cost, not to exceed the actual cost in accordance with this section.

G. In any case where a public body determines in advance that charges for producing the requested records are likely to exceed \$200, the public body may, before continuing to process the request, require the requester to pay a deposit not to exceed the amount of the advance determination. The deposit shall be credited toward the final cost of supplying the requested records. The period within which the public body shall respond under this section shall be tolled for the amount of time that elapses between notice of the advance determination and the response of the requester.

H. Before processing a request for records, a public body may require the requester to pay any amounts owed to the public body for previous requests for records that remain unpaid 30 days or more after billing.

§ 2.2-3704.1. Posting of notice of rights and responsibilities by state and local public bodies; assistance by the Freedom of Information Advisory Council.

A. All state public bodies subject to the provisions of this chapter, any county or city, any town with a population of more than 250, and any school board shall make available the following information to the public upon request and shall post a link to such information on the homepage of their respective official public government websites:

1. A plain English explanation of the rights of a requester under this chapter, the procedures to obtain public records from the public body, and the responsibilities of the public body in complying with this chapter. For purposes of this section, "plain English" means written in nontechnical, readily understandable language using words of common everyday usage and avoiding legal terms and phrases or other terms and words of art whose usage or special meaning primarily is limited to a particular field or profession;

2. Contact information for the FOIA officer designated by the public body pursuant to § 2.2-3704.2 to (i) assist a requester in making a request for records or (ii) respond to requests for public records;

3. A general description, summary, list, or index of the types of public records maintained by such public body;

4. A general description, summary, list, or index of any exemptions in law that permit or require such public records to be withheld from release;

5. Any policy the public body has concerning the type of public records it routinely withholds from release as permitted by this chapter or other law;

6. The following statement:

"A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records and shall make all reasonable efforts to supply the requested records at the lowest possible cost. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication.

If the public body chooses to impose a charge for the production of public records pursuant to this section, any charges for staff time shall be calculated based on the median hourly rate of pay of employees of the public body as of the previous July 1 or the actual hourly rate of pay of the employee who is accessing, duplicating, supplying, or searching for the requested records, whichever is the lesser amount. The hourly rate of pay calculated shall not include the cost of fringe benefits or any overhead costs. When calculating the median hourly rate of pay, the hourly rate of pay of full-time and part-time employees shall be included, but the hourly rate of pay of temporary employees shall not be included. A public body that has multiple departments or divisions may calculate separately the median hourly rate of pay for each such department or division based on the hourly rate of pay of employees of that department or division.

Prior to conducting a search for records, the public body shall notify the requester in writing that the public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records as set forth in ~~subsection F of § 2.2-3704~~ 2.2-3704.02 of the Code of Virginia."; and

7. A written policy (i) explaining how the public body assesses charges for accessing or searching for requested records and (ii) noting the current fee charged, if any, for accessing and searching for such requested records.

B. Any state public body subject to the provisions of this chapter and any county or city, and any town with a population of more than 250, shall post a link on its official public government website to the online public comment form on the Freedom of Information Advisory Council's website to enable any requester to comment on the quality of assistance provided to the requester by the public body.

C. The Freedom of Information Advisory Council, created pursuant to § 30-178, shall assist in the development and implementation of the provisions of subsection A, upon request.

§ 2.2-3714. Violations and penalties.

A. In a proceeding commenced against any officer, employee, or member of a public body under § 2.2-3713 for a violation of § 2.2-3704, 2.2-3704.02, 2.2-3705.1 through 2.2-3705.7, 2.2-3706, 2.2-3706.1, 2.2-3707, 2.2-3708.2, 2.2-3708.3, 2.2-3710, 2.2-3711, or 2.2-3712, the court, if it finds that a violation was willfully and knowingly made, shall impose upon such officer, employee, or member in his individual capacity, whether a writ of mandamus or injunctive relief is awarded or not, a civil penalty of not less than \$500 nor more than \$2,000, which amount shall be paid into the Literary Fund. For a second or subsequent violation, such civil penalty shall be not less than \$2,000 nor more than \$5,000.

B. In addition to any penalties imposed pursuant to subsection A, if the court finds that any officer, employee, or member of a public body failed to provide public records to a requester in accordance with the provisions of this chapter because such officer, employee, or member altered or destroyed the requested public records with the intent to avoid the provisions of this chapter with respect to such request prior to the expiration of the applicable record retention period set by the retention regulations promulgated pursuant to the Virginia Public Records Act (§ 42.1-76 et seq.) by the State Library Board, the court may impose upon such officer, employee, or member in his individual capacity, whether or not a writ of mandamus or injunctive relief is awarded, a civil penalty of up to \$100 per record altered or destroyed, which amount shall be paid into the Literary Fund.

C. In addition to any penalties imposed pursuant to subsections A and B, if the court finds that a public body voted to certify a closed meeting in accordance with subsection D of § 2.2-3712 and such certification was not in accordance with the requirements of clause (i) or (ii) of subsection D of § 2.2-3712, the court may impose on the public body, whether or not a writ of mandamus or injunctive relief is awarded, a civil penalty of up to \$1,000, which amount shall be paid into the Literary Fund. In determining whether a civil penalty is appropriate, the court shall consider mitigating factors, including reliance of members of the public body on (i) opinions of the Attorney General, (ii) court cases substantially supporting the rationale of the public body, and (iii) published opinions of the Virginia Freedom of Information Advisory Council.

§ 2.2-3806. Rights of data subjects.

A. Any agency maintaining personal information shall:

1. Inform an individual who is asked to supply personal information about himself whether he is legally required; or may refuse; to supply the information requested, and also *inform such individual* of any specific consequences that are known to the agency of providing or not providing the information.

2. Give notice to a data subject of the possible dissemination of part or all of ~~this~~ *such* information to another agency, nongovernmental organization, or system not having regular access authority, and indicate the use for which it is intended; and the specific consequences for the individual; ~~which~~ *that* are known to the agency; of providing or not providing the information. However, documented permission for dissemination in the hands of the other agency or organization shall satisfy the requirement of this subdivision. The notice may be given on applications or other data collection forms prepared by data subjects.

3. Upon request and proper identification of any data subject; or of his authorized agent, grant the data subject or agent the right to inspect, in a form comprehensible to him:

a. All personal information about that data subject except as provided in subdivision 1 of § 2.2-3705.1,

subdivision A 1 of § 2.2-3705.4, and subdivision 1 of § 2.2-3705.5;

b. The nature of the sources of the information; *and*

c. The names of recipients, other than those with regular access authority, of personal information about the data subject including the identity of all persons and organizations involved and their relationship to the system when not having regular access authority, except that if the recipient has obtained the information as part of an ongoing criminal investigation such that disclosure of the investigation would jeopardize law-enforcement action, then no disclosure of such access shall be made to the data subject.

4. Comply with the following minimum conditions of disclosure to data subjects:

a. An agency shall make disclosures to data subjects required under this chapter, during normal business hours, in accordance with the procedures set forth in subsections B and C of § 2.2-3704 for responding to requests under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) or within a time period as may be mutually agreed upon by the agency and the data subject.

b. The disclosures to data subjects required under this chapter shall be made (i) in person, if he appears in person and furnishes proper identification, or (ii) by mail, if he has made a written request, with proper identification. Copies of the documents containing the personal information sought by a data subject shall be furnished to him or his representative at reasonable charges for document search and duplication in accordance with ~~subsection F of § 2.2-3704~~ 2.2-3704.02.

c. The data subject shall be permitted to be accompanied by a person of his choosing, who shall furnish reasonable identification. An agency may require the data subject to furnish a written statement granting the agency permission to discuss the individual's file in such person's presence.

5. If the data subject gives notice that he wishes to challenge, correct, or explain information about him in the information system, the following minimum procedures shall be followed:

a. The agency maintaining the information system shall investigate, and record the current status of that personal information.

b. If, after such investigation, the information is found to be incomplete, inaccurate, not pertinent, not timely, or not necessary to be retained, it shall be promptly corrected or purged.

c. If the investigation does not resolve the dispute, the data subject may file a statement of not more than 200 words setting forth his position.

d. Whenever a statement of dispute is filed, the agency maintaining the information system shall supply any previous recipient with a copy of the statement and, in any subsequent dissemination or use of the information in question, clearly note that it is disputed and supply the statement of the data subject along with the information.

e. The agency maintaining the information system shall clearly and conspicuously disclose to the data subject his rights to make such a request.

f. Following any correction or purging of personal information, the agency shall furnish to past recipients a notification that the item has been purged or corrected whose receipt shall be acknowledged.

B. Nothing in this chapter shall be construed to require an agency to disseminate any recommendation or letter of reference from or to a third party that is a part of the personnel file of any data subject nor to disseminate any test or examination used, administered, or prepared by any public body for purposes of evaluation of (i) any student or any student's performance, (ii) any seeker's qualifications or aptitude for employment, retention, or promotion, or (iii) qualifications for any license or certificate issued by any public body.

As used in this subsection, "test or examination" includes (i) any scoring key for any such test or examination and (ii) any other document that would jeopardize the security of the test or examination. Nothing contained in this subsection shall prohibit the release of test scores or results as provided by law; or to limit access to individual records as provided by law; however, the subject of the employment tests shall be entitled to review and inspect all documents relative to his performance on those employment tests.

When, in the reasonable opinion of the public body, any such test or examination no longer has any potential for future use; and the security of future tests or examinations will not be jeopardized, the test or examination shall be made available to the public. Minimum competency tests administered to public school children shall be made available to the public contemporaneously with statewide release of the scores of those taking such tests, but in no event shall such tests be made available to the public later than six months after the administration of such tests.

C. Neither any provision of this chapter nor any provision of the Freedom of Information Act (§ 2.2-3700 et seq.) shall be construed to deny public access to records of the position, job classification, official salary or rate of pay of, and to records of the allowances or reimbursements for expenses paid to any public officer, official, or employee at any level of state, local, or regional government in the Commonwealth. The provisions of this subsection shall not apply to records of the official salaries or rates of pay of public employees whose annual rate of pay is \$10,000 or less.

D. Nothing in this section or in this chapter shall be construed to require an agency to disseminate information derived from tax returns prohibited from release pursuant to § 58.1-3.

§ 16.1-77. Civil jurisdiction of general district courts; amending amount of claim.

431 Except as provided in Article 5 (§ 16.1-122.1 et seq.), each general district court shall have, within the
432 limits of the territory it serves, civil jurisdiction as follows:

433 (1) Exclusive original jurisdiction of any claim to specific personal property or to any debt, fine, or other
434 money, or to damages for breach of contract or for injury done to property, real or personal, or for any action
435 for injury to person, regardless of theory, and any action for wrongful death as provided for in Article 5
436 (§ 8.01-50 et seq.) of Chapter 3 of Title 8.01 when the amount of such claim does not exceed \$4,500,
437 exclusive of interest and any attorney fees, and concurrent jurisdiction with the circuit courts having
438 jurisdiction in such territory of any such claim when the amount thereof exceeds \$4,500 but does not exceed
439 \$50,000, exclusive of interest and any attorney fees. However, the jurisdictional limit shall not apply with
440 respect to distress warrants under the provisions of § 8.01-130.4, cases involving liquidated damages for
441 violations of vehicle weight limits pursuant to § 46.2-1135, nor cases involving forfeiture of a bond pursuant
442 to § 19.2-143. While a matter is pending in a general district court, upon motion of the plaintiff seeking to
443 increase the amount of the claim, the court shall order transfer of the matter to the circuit court that has
444 jurisdiction over the amended amount of the claim without requiring that the case first be dismissed or that
445 the plaintiff suffer a nonsuit, and the tolling of the applicable statutes of limitations governing the pending
446 matter shall be unaffected by the transfer. Except for good cause shown, no such order of transfer shall issue
447 unless the motion to amend and transfer is made at least 10 days before trial. The plaintiff shall pay filing and
448 other fees as otherwise provided by law to the clerk of the court to which the case is transferred, and such
449 clerk shall process the claim as if it were a new civil action. The plaintiff shall prepare and present the order
450 of transfer to the transferring court for entry, after which time the case shall be removed from the pending
451 docket of the transferring court and the order of transfer placed among its records. The plaintiff shall provide
452 a certified copy of the transfer order to the receiving court.

453 (2) Jurisdiction to try and decide attachment cases when the amount of the plaintiff's claim does not
454 exceed \$50,000, exclusive of interest and any attorney fees.

455 (3) Jurisdiction of actions of unlawful entry or detainer as provided in Article 13 (§ 8.01-124 et seq.) of
456 Chapter 3 of Title 8.01, and in Chapter 14 (§ 55.1-1400 et seq.) of Title 55.1, and the maximum jurisdictional
457 limits prescribed in subdivision (1) shall not apply to any claim, counter-claim, or cross-claim in an unlawful
458 detainer action that includes a claim for damages sustained or rent against any person obligated on the lease
459 or guarantee of such lease.

460 (4) Except where otherwise specifically provided, all jurisdiction, power, and authority over any civil
461 action or proceeding conferred upon any general district court judge or magistrate under or by virtue of any
462 provisions of the Code.

463 (5) Jurisdiction to try and decide suits in interpleader involving personal or real property where the
464 amount of money or value of the property is not more than the maximum jurisdictional limits of the general
465 district court. However, the maximum jurisdictional limits prescribed in subdivision (1) shall not apply to any
466 claim, counter-claim, or cross-claim in an interpleader action that is limited to the disposition of an earnest
467 money deposit pursuant to a real estate purchase contract. The action shall be brought in accordance with the
468 procedures for interpleader as set forth in § 8.01-364. However, the general district court shall not have any
469 power to issue injunctions. Actions in interpleader may be brought by either the stakeholder or any of the
470 claimants. The initial pleading shall be either by motion for judgment, by warrant in debt, or by other uniform
471 court form established by the Supreme Court of Virginia. The initial pleading shall briefly set forth the
472 circumstances of the claim and shall name as defendant all parties in interest who are not parties plaintiff.

473 (6) Jurisdiction to try and decide any cases pursuant to § 2.2-3713 of the Virginia Freedom of Information
474 Act (§ 2.2-3700 et seq.) or § 2.2-3809 of the Government Data Collection and Dissemination Practices Act
475 (§ 2.2-3800 et seq.), for writs of mandamus or for injunctions.

476 (7) Jurisdiction to try and decide any cases pursuant to § 55.1-1819 of the Property Owners' Association
477 Act (§ 55.1-1800 et seq.) or § 55.1-1959 of the Virginia Condominium Act (§ 55.1-1900 et seq.).

478 (8) Concurrent jurisdiction with the circuit courts to submit matters to arbitration pursuant to Chapter 21
479 (§ 8.01-577 et seq.) of Title 8.01 where the amount in controversy is within the jurisdictional limits of the
480 general district court. Any party that disagrees with an order by a general district court granting an
481 application to compel arbitration may appeal such decision to the circuit court pursuant to § 8.01-581.016.

482 (9) *Jurisdiction to try and decide any cases pursuant to § 2.2-3704 of the Virginia Freedom of*
483 *Information Act (§ 2.2-3700 et seq.) for additional time to respond to a request for public records.*

484 For purposes of this section, the territory served by a county general district court expressly authorized by
485 statute to be established in a city includes the general district court courtroom.

486 **§ 17.1-275. Fees collected by clerks of circuit courts; generally.**

487 A. A clerk of a circuit court shall, for services performed by virtue of his office, charge the following fees:

488 1. [Repealed.]

489 2. For recording and indexing in the proper book any writing and all matters therewith, or for recording
490 and indexing anything not otherwise provided for, \$18 for an instrument or document consisting of 10 or
491 fewer pages or sheets; \$32 for an instrument or document consisting of 11 to 30 pages or sheets; and \$52 for
492 an instrument or document consisting of 31 or more pages or sheets. Whenever any writing to be recorded

includes plat or map sheets no larger than eight and one-half inches by 14 inches, such plat or map sheets shall be counted as ordinary pages for the purpose of computing the recording fee due pursuant to this section. A fee of \$17 per page or sheet shall be charged with respect to plat or map sheets larger than eight and one-half inches by 14 inches. Only a single fee as authorized by this subdivision shall be charged for recording a certificate of satisfaction that releases the original deed of trust and any corrected or revised deeds of trust. Three dollars and fifty cents of the fee collected for recording and indexing shall be designated for use in preserving the permanent records of the circuit courts. The sum collected for this purpose shall be administered by The Library of Virginia in cooperation with the circuit court clerks.

3. For appointing and qualifying any personal representative, committee, trustee, guardian, or other fiduciary, in addition to any fees for recording allowed by this section, \$20 for estates not exceeding \$50,000, \$25 for estates not exceeding \$100,000 and \$30 for estates exceeding \$100,000. No fee shall be charged for estates of \$5,000 or less.

4. For entering and granting and for issuing any license, other than a marriage license or a hunting and fishing license, and administering an oath when necessary, \$10.

5. For issuing a marriage license, attaching certificate, administering or receiving all necessary oaths or affidavits, indexing and recording, \$10. For recording an order to celebrate the rites of marriage pursuant to § 20-25, \$25 to be paid by the petitioner.

6. For making out any bond, other than those under § 17.1-267 or subdivision A 4, administering all necessary oaths and writing proper affidavits, \$3.

7. For all services rendered by the clerk in any garnishment or attachment proceeding, the clerk's fee shall be \$15 in cases not exceeding \$500 and \$25 in all other cases.

8. For making out a copy of any paper, record, or electronic record to go out of the office, which is not otherwise specifically provided for herein, a fee of \$0.50 for each page or, if an electronic record, each image. From such fees, the clerk shall reimburse the locality the costs of making out the copies and pay the remaining fees directly to the Commonwealth. The funds to recoup the cost of making out the copies shall be deposited with the county or city treasurer or Director of Finance, and the governing body shall budget and appropriate such funds to be used to support the cost of copies pursuant to this subdivision. For purposes of this section, the costs of making out the copies authorized under this section shall include costs included in the lease and maintenance agreements for the equipment and the technology needed to operate electronic systems in the clerk's office used to make out the copies, but shall not include salaries or related benefits. The costs of copies shall otherwise be determined in accordance with § ~~2.2-3704~~ 2.2-3704.02. However, there shall be no charge to the recipient of a final order or decree to send an attested copy to such party.

9. For annexing the seal of the court to any paper, writing the certificate of the clerk accompanying it, the clerk shall charge \$2 and for attaching the certificate of the judge, if the clerk is requested to do so, the clerk shall charge an additional \$0.50.

10. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee of \$150 for each felony conviction and each felony disposition under § 18.2-251 which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund.

11. In any case in which a person is convicted of a violation of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or is subject to a disposition under § 18.2-251, the clerk shall assess a fee for each misdemeanor conviction and each misdemeanor disposition under § 18.2-251, which shall be taxed as costs to the defendant and shall be paid into the Drug Offender Assessment and Treatment Fund as provided in § 17.1-275.8.

12. Upon the defendant's being required to successfully complete traffic school, a mature driver motor vehicle crash prevention course, or a driver improvement clinic in lieu of a finding of guilty, the court shall charge the defendant fees and costs as if he had been convicted.

13. In all civil actions that include one or more claims for the award of monetary damages the clerk's fee chargeable to the plaintiff shall be \$100 in cases seeking recovery not exceeding \$49,999; \$200 in cases seeking recovery exceeding \$49,999, but not exceeding \$100,000; \$250 in cases seeking recovery exceeding \$100,000, but not exceeding \$500,000; and \$300 in cases seeking recovery exceeding \$500,000. Ten dollars of each such fee shall be apportioned to the Courts Technology Fund established under § 17.1-132. A fee of \$25 shall be paid by the plaintiff at the time of instituting a condemnation case, in lieu of any other fees. There shall be no fee charged for the filing of a cross-claim or setoff in any pending action. However, the fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a claim impleading a third-party defendant. The fees prescribed above shall be collected upon the filing of papers for the commencement of civil actions. This subdivision shall not be applicable to cases filed in the Supreme Court of Virginia.

13a. For the filing of any petition seeking court approval of a settlement where no action has yet been filed, the clerk's fee, chargeable to the petitioner, shall be \$50, to be paid by the petitioner at the time of filing the petition.

14. In addition to the fees chargeable for civil actions, for the costs of proceedings for judgments by

555 confession under §§ 8.01-432 through 8.01-440, the clerk shall tax as costs (i) the cost of registered or
556 certified mail; (ii) the statutory writ tax, in the amount required by law to be paid on a suit for the amount of
557 the confessed judgment; (iii) for the sheriff for serving each copy of the order entering judgment, \$12; and
558 (iv) for docketing the judgment and issuing executions thereon, the same fees as prescribed in subdivision A
559 17.

560 15. For qualifying notaries public, including the making out of the bond and any copies thereof,
561 administering the necessary oaths, and entering the order, \$10.

562 16. For each habeas corpus proceeding, the clerk shall receive \$10 for all services required thereunder.
563 This subdivision shall not be applicable to such suits filed in the Supreme Court of Virginia.

564 17. For docketing and indexing a judgment from any other court of the Commonwealth, for docketing and
565 indexing a judgment in the new name of a judgment debtor pursuant to the provisions of § 8.01-451, but not
566 when incident to a divorce, for noting and filing the assignment of a judgment pursuant to § 8.01-452, a fee of
567 \$5; and for issuing an abstract of any recorded judgment, when proper to do so, a fee of \$5; and for filing,
568 docketing, indexing and mailing notice of a foreign judgment, a fee of \$20.

569 18. For all services rendered by the clerk in any court proceeding for which no specific fee is provided by
570 law, the clerk shall charge \$10, to be paid by the party filing said papers at the time of filing; however, this
571 subdivision shall not be applicable in a divorce cause prior to and including the entry of a decree of divorce
572 from the bond of matrimony.

573 19, 20. [Repealed.]

574 21. For making the endorsements on a forthcoming bond and recording the matters relating to such bond
575 pursuant to the provisions of § 8.01-529, \$1.

576 22. For all services rendered by the clerk in any proceeding pursuant to § 57-8 or 57-15, \$10.

577 23. For preparation and issuance of a subpoena duces tecum, \$5.

578 24. For all services rendered by the clerk in matters under § 8.01-217 relating to change of name, \$20;
579 however, this subdivision shall not be applicable in cases where the change of name is incident to a divorce.

580 25. For providing court records or documents on microfilm, per frame, \$0.50.

581 26. In all divorce and separate maintenance proceedings, and all civil actions that do not include one or
582 more claims for the award of monetary damages, the clerk's fee chargeable to the plaintiff shall be \$60, \$10
583 of which shall be apportioned to the Courts Technology Fund established under § 17.1-132 to be paid by the
584 plaintiff at the time of instituting the suit, which shall include the furnishing of a duly certified copy of the
585 final decree. The fees prescribed by this subdivision shall be charged upon the filing of a counterclaim or a
586 claim impleading a third-party defendant. However, no fee shall be charged for (i) the filing of a cross-claim
587 or setoff in any pending suit or (ii) the filing of a counterclaim or any other responsive pleading in any
588 annulment, divorce, or separate maintenance proceeding. In divorce cases, when there is a merger of a
589 divorce of separation a mensa et thoro into a decree of divorce a vinculo, the above mentioned fee shall
590 include the furnishing of a duly certified copy of both such decrees.

591 27. For the acceptance of credit or debit cards in lieu of money to collect and secure all fees, including
592 filing fees, fines, restitution, forfeiture, penalties and costs, the clerk shall collect from the person presenting
593 such credit or debit card a reasonable convenience fee for the processing of such credit or debit card. Such
594 convenience fee shall not exceed four percent of the amount paid for the transaction or a flat fee of \$2 per
595 transaction. The clerk may set a lower convenience fee for electronic filing of civil or criminal proceedings
596 pursuant to § 17.1-258.3. Nothing herein shall be construed to prohibit the clerk from outsourcing the
597 processing of credit and debit card transactions to a third-party private vendor engaged by the clerk.
598 Convenience fees shall be used to cover operational expenses as defined in § 17.1-295.

599 28. For the return of any check unpaid by the financial institution on which it was drawn or notice is
600 received from the credit or debit card issuer that payment will not be made for any reason, the clerk may
601 collect a fee of \$50 or 10 percent of the amount of the payment, whichever is greater.

602 29. For all services rendered, except in cases in which costs are assessed pursuant to § 17.1-275.1,
603 17.1-275.2, 17.1-275.3, or 17.1-275.4, in an adoption proceeding, a fee of \$20, in addition to the fee imposed
604 under § 63.2-1246, to be paid by the petitioner or petitioners. For each petition for adoption filed pursuant to
605 § 63.2-1201, except those filed pursuant to subdivisions 4 and 5 of § 63.2-1210, an additional \$50 filing fee
606 as required under § 63.2-1201 shall be deposited in the Virginia Birth Father Registry Fund pursuant to
607 § 63.2-1249.

608 30. For issuing a duplicate license for one lost or destroyed as provided in § 29.1-334, a fee in the same
609 amount as the fee for the original license.

610 31. For the filing of any petition as provided in §§ 33.2-1023, 33.2-1024, and 33.2-1027, a fee of \$5 to be
611 paid by the petitioner; and for the recordation of a certificate or copy thereof, as provided for in § 33.2-1021,
612 as well as for any order of the court relating thereto, the clerk shall charge the same fee as for recording a
613 deed as provided for in this section, to be paid by the party upon whose request such certificate is recorded or
614 order is entered.

615 32. For making up, certifying and transmitting original record pursuant to the Rules of the Supreme Court,
616 including all papers necessary to be copied and other services rendered, except in cases in which costs are

assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or 17.1-275.9, a fee of \$20.

33. [Repealed.]

34. For filings, etc., under the Uniform Federal Lien Registration Act (§ 55.1-653 et seq.), the fees shall be as prescribed in that Act.

35. [Repealed.]

36. For recordation of certificate and registration of names of nonresident owners in accordance with § 59.1-74, a fee of \$10.

37. For maintaining the information required under the Overhead High Voltage Line Safety Act (§ 59.1-406 et seq.), the fee as prescribed in § 59.1-411.

38. For lodging, indexing, and preserving a will in accordance with § 64.2-409, a fee of \$5.

39. For filing a financing statement in accordance with § 8.9A-505, the fee shall be as prescribed under § 8.9A-525.

40. For filing a termination statement in accordance with § 8.9A-513, the fee shall be as prescribed under § 8.9A-525.

41. For filing assignment of security interest in accordance with § 8.9A-514, the fee shall be as prescribed under § 8.9A-525.

42. For filing a petition as provided in §§ 64.2-2001 and 64.2-2013, the fee shall be \$10.

43. For issuing any execution, and recording the return thereof, a fee of \$1.50.

44. For the preparation and issuance of a summons for interrogation by an execution creditor, a fee of \$5. If there is no outstanding execution, and one is requested herewith, the clerk shall be allowed an additional fee of \$1.50, in accordance with subdivision A 44.

B. In accordance with § 17.1-281, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for courthouse construction, renovation or maintenance.

C. In accordance with § 17.1-278, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for services provided for the poor, without charge, by a nonprofit legal aid program.

D. In accordance with § 42.1-70, the clerk shall collect fees under subdivisions A 7, A 13, A 16, A 18 if applicable, A 20, A 22, A 24, A 26, A 29, and A 31 to be designated for public law libraries.

E. All fees collected pursuant to subdivision A 27 and § 17.1-276 shall be deposited by the clerk into a special revenue fund held by the clerk, which will restrict the funds to their statutory purpose.

F. The provisions of this section shall control the fees charged by clerks of circuit courts for the services above described.