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1 **HOUSE BILL NO. 644**

2 Offered January 14, 2026

3 Prefiled January 13, 2026

4 *A BILL to amend and reenact § 2.2-3705.7 of the Code of Virginia, relating to Virginia Freedom of*
5 *Information Act; exemption for records of minors participating in certain programs run by state public*
6 *bodies.*

7 Patron—Kent

8 Committee Referral Pending

9 **Be it enacted by the General Assembly of Virginia:**10 **1. That § 2.2-3705.7 of the Code of Virginia is amended and reenacted as follows:**11 **§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain**
12 **other limited exclusions.**13 The following information contained in a public record is excluded from the mandatory disclosure
14 provisions of this chapter but may be disclosed by the custodian in his discretion, except where such
15 disclosure is prohibited by law. Redaction of information excluded under this section from a public record
16 shall be conducted in accordance with § 2.2-3704.01.17 1. State income, business, and estate tax returns, personal property tax returns, and confidential records
18 held pursuant to § 58.1-3.19 2. Working papers and correspondence of the Office of the Governor, the Lieutenant Governor, or the
20 Attorney General; the members of the General Assembly, the Division of Legislative Services, or the Clerks
21 of the House of Delegates or the Senate of Virginia; the mayor or chief executive officer of any political
22 subdivision of the Commonwealth; or the president or other chief executive officer of any public institution
23 of higher education in the Commonwealth. However, no information that is otherwise open to inspection
24 under this chapter shall be deemed excluded by virtue of the fact that it has been attached to or incorporated
25 within any working paper or correspondence. Further, information publicly available or not otherwise subject
26 to an exclusion under this chapter or other provision of law that has been aggregated, combined, or changed
27 in format without substantive analysis or revision shall not be deemed working papers. Nothing in this
28 subdivision shall be construed to authorize the withholding of any resumes or applications submitted by
29 persons who are appointed by the Governor pursuant to § 2.2-106 or 2.2-107.

30 As used in this subdivision:

31 "Members of the General Assembly" means each member of the Senate of Virginia and the House of
32 Delegates and their legislative aides when working on behalf of such member.33 "Office of the Governor" means the Governor; the Governor's chief of staff, counsel, director of policy,
34 and Cabinet Secretaries; the Assistant to the Governor for Intergovernmental Affairs; and those individuals to
35 whom the Governor has delegated his authority pursuant to § 2.2-104.36 "Working papers" means those records prepared by or for a public official identified in this subdivision
37 for his personal or deliberative use.38 3. Information contained in library records that can be used to identify (i) both (a) any library patron who
39 has borrowed or accessed material or resources from a library and (b) the material or resources such patron
40 borrowed or accessed or (ii) any library patron under 18 years of age. For the purposes of clause (ii), access
41 shall not be denied to the parent, including a noncustodial parent, or guardian of such library patron.42 4. Contract cost estimates prepared for the confidential use of the Department of Transportation in
43 awarding contracts for construction or the purchase of goods or services, and records and automated systems
44 prepared for the Department's Bid Analysis and Monitoring Program.45 5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the
46 lists are maintained by the political subdivision itself or by a single fiduciary designated by the political
47 subdivision.48 6. Information furnished by a member of the General Assembly to a meeting of a standing committee,
49 special committee, or subcommittee of his house established solely for the purpose of reviewing members'
50 annual disclosure statements and supporting materials filed under § 30-110 or of formulating advisory
51 opinions to members on standards of conduct, or both.52 7. Customer account information of a public utility affiliated with a political subdivision of the
53 Commonwealth, including the customer's name and service address, but excluding the amount of utility
54 service provided and the amount of money charged or paid for such utility service.55 8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development
56 Authority concerning individuals who have applied for or received loans or other housing assistance or who

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59 have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the
60 Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the waiting
61 list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing
62 authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for
63 housing assistance programs funded by local governments or by any such authority; or (iv) filed with any
64 local redevelopment and housing authority created pursuant to § 36-4 or any other local government agency
65 concerning persons who have applied for occupancy or who have occupied affordable dwelling units
66 established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's own information shall not be
67 denied.

68 9. Information regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if
69 disclosure of such information would have a detrimental effect upon the negotiating position of a governing
70 body or on the establishment of the terms, conditions, and provisions of the siting agreement.

71 10. Information on the site-specific location of rare, threatened, endangered, or otherwise imperiled plant
72 and animal species, natural communities, caves, and significant historic and archaeological sites if, in the
73 opinion of the public body that has the responsibility for such information, disclosure of the information
74 would jeopardize the continued existence or the integrity of the resource. This exclusion shall not apply to
75 requests from the owner of the land upon which the resource is located.

76 11. Memoranda, graphics, video or audio tapes, production models, data, and information of a proprietary
77 nature produced by or for or collected by or for the Virginia Lottery relating to matters of a specific lottery
78 game design, development, production, operation, ticket price, prize structure, manner of selecting the
79 winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or
80 selections of winning tickets, odds of winning, advertising, or marketing, where such information not been
81 publicly released, published, copyrighted, or patented. Whether released, published, or copyrighted, all game-
82 related information shall be subject to public disclosure under this chapter upon the first day of sales for the
83 specific lottery game to which it pertains.

84 12. Information held by the Virginia Retirement System, acting pursuant to § 51.1-124.30, or a local
85 retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust
86 established by one or more local public bodies to invest funds for post-retirement benefits other than
87 pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of
88 visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the board of visitors of The
89 College of William and Mary in Virginia, acting pursuant to § 23.1-2803, or by the Commonwealth Savers
90 Plan, acting pursuant to § 23.1-704, relating to the acquisition, holding, or disposition of a security or other
91 ownership interest in an entity, where such security or ownership interest is not traded on a governmentally
92 regulated securities exchange, if disclosure of such information would (i) reveal confidential analyses
93 prepared for the board of visitors of the University of Virginia, prepared for the board of visitors of The
94 College of William and Mary in Virginia, prepared by the retirement system, a local finance board or board
95 of trustees, or the Commonwealth Savers Plan, or provided to the retirement system, a local finance board or
96 board of trustees, or the Commonwealth Savers Plan under a promise of confidentiality of the future value of
97 such ownership interest or the future financial performance of the entity and (ii) have an adverse effect on the
98 value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or
99 board of trustees, the board of visitors of the University of Virginia, the board of visitors of The College of
100 William and Mary in Virginia, or the Commonwealth Savers Plan. Nothing in this subdivision shall be
101 construed to prevent the disclosure of information relating to the identity of any investment held, the amount
102 invested, or the present value of such investment.

103 13. Financial, medical, rehabilitative, and other personal information concerning applicants for or
104 recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority under
105 Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

106 14. Information held by the Virginia Commonwealth University Health System Authority pertaining to
107 any of the following: an individual's qualifications for or continued membership on its medical or teaching
108 staffs; proprietary information gathered by or in the possession of the Authority from third parties pursuant to
109 a promise of confidentiality; contract cost estimates prepared for confidential use in awarding contracts for
110 construction or the purchase of goods or services; information of a proprietary nature produced or collected
111 by or for the Authority or members of its medical or teaching staffs; financial statements not publicly
112 available that may be filed with the Authority from third parties; the identity, accounts, or account status of
113 any customer of the Authority; consulting or other reports paid for by the Authority to assist the Authority in
114 connection with its strategic planning and goals; the determination of marketing and operational strategies
115 where disclosure of such strategies would be harmful to the competitive position of the Authority; and
116 information of a proprietary nature produced or collected by or for employees of the Authority, other than the
117 Authority's financial or administrative records, in the conduct of or as a result of study or research on
118 medical, scientific, technical, or scholarly issues, whether sponsored by the Authority alone or in conjunction
119 with a governmental body or a private concern, when such information has not been publicly released,
120 published, copyrighted, or patented. This exclusion shall also apply when such information is in the

121 possession of Virginia Commonwealth University.

122 15. Information held by the Department of Environmental Quality, the State Water Control Board, the
 123 State Air Pollution Control Board, or the Virginia Waste Management Board relating to (i) active federal
 124 environmental enforcement actions that are considered confidential under federal law and (ii) enforcement
 125 strategies, including proposed sanctions for enforcement actions. Upon request, such information shall be
 126 disclosed after a proposed sanction resulting from the investigation has been proposed to the director of the
 127 agency. This subdivision shall not be construed to prevent the disclosure of information related to inspection
 128 reports, notices of violation, and documents detailing the nature of any environmental contamination that may
 129 have occurred or similar documents.

130 16. Information related to the operation of toll facilities that identifies an individual, vehicle, or travel
 131 itinerary, including vehicle identification data or vehicle enforcement system information; video or
 132 photographic images; Social Security or other identification numbers appearing on driver's licenses; credit
 133 card or bank account data; home addresses; phone numbers; or records of the date or time of toll facility use.

134 17. Information held by the Virginia Lottery pertaining to (i) the social security number, tax identification
 135 number, state sales tax number, home address and telephone number, personal and lottery banking account
 136 and transit numbers of a retailer, and financial information regarding the nonlottery operations of specific
 137 retail locations and (ii) individual lottery winners, except that a winner's name, hometown, and amount won
 138 shall be disclosed. If the value of the prize won by the winner is \$1 million or greater, the information
 139 described in clause (ii) shall not be disclosed unless the winner consents in writing to such disclosure.

140 18. Information held by the Board for Branch Pilots relating to the chemical or drug testing of a person
 141 regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary
 142 action by the Board for a positive test result.

143 19. Information pertaining to the planning, scheduling, and performance of examinations of holder records
 144 pursuant to the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.) prepared by or for the
 145 State Treasurer or his agents or employees or persons employed to perform an audit or examination of holder
 146 records.

147 20. Information held by the Virginia Department of Emergency Management or a local governing body
 148 relating to citizen emergency response teams established pursuant to an ordinance of a local governing body
 149 that reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of
 150 an individual participant in the program.

151 21. Information held by state or local park and recreation departments and local and regional park
 152 authorities or by the Department of Workforce Development and Advancement concerning identifiable
 153 individuals younger than 18 years of age. However, nothing in this subdivision shall operate to prevent the
 154 disclosure of information defined as directory information under regulations implementing the federal Family
 155 Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental
 156 notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent,
 157 including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been
 158 terminated or a court of competent jurisdiction has restricted or denied such access. For such information of
 159 persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or
 160 emancipated person who is the subject of the information may waive, in writing, the protections afforded by
 161 this subdivision. If the protections are so waived, the public body shall open such information for inspection
 162 and copying.

163 22. Information submitted for inclusion in the Statewide Alert Network administered by the Department
 164 of Emergency Management that reveal names, physical addresses, email addresses, computer or internet
 165 protocol information, telephone numbers, pager numbers, other wireless or portable communications device
 166 information, or operating schedules of individuals or agencies, where the release of such information would
 167 compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert
 168 Network.

169 23. Information held by the Judicial Inquiry and Review Commission made confidential by § 17.1-913.

170 24. Information held by the Virginia Retirement System acting pursuant to § 51.1-124.30, a local
 171 retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system),
 172 or the Commonwealth Savers Plan, acting pursuant to § 23.1-704 relating to:

173 a. Internal deliberations of or decisions by the retirement system or the Commonwealth Savers Plan on the
 174 pursuit of particular investment strategies, or the selection or termination of investment managers, prior to the
 175 execution of such investment strategies or the selection or termination of such managers, if disclosure of such
 176 information would have an adverse impact on the financial interest of the retirement system or the
 177 Commonwealth Savers Plan; and

178 b. Trade secrets provided by a private entity to the retirement system or the Commonwealth Savers Plan if
 179 disclosure of such records would have an adverse impact on the financial interest of the retirement system or
 180 the Commonwealth Savers Plan.

181 For the records specified in subdivision b to be excluded from the provisions of this chapter, the entity
 182 shall make a written request to the retirement system or the Commonwealth Savers Plan:

183 (1) Invoking such exclusion prior to or upon submission of the data or other materials for which
184 protection from disclosure is sought;

185 (2) Identifying with specificity the data or other materials for which protection is sought; and

186 (3) Stating the reasons why protection is necessary.

187 The retirement system or the Commonwealth Savers Plan shall determine whether the requested exclusion
188 from disclosure meets the requirements set forth in subdivision b.

189 Nothing in this subdivision shall be construed to prevent the disclosure of the identity or amount of any
190 investment held or the present value and performance of all asset classes and subclasses.

191 25. Information held by the Department of Corrections made confidential by former § 53.1-233.

192 26. Information maintained by the Department of the Treasury or participants in the Local Government
193 Investment Pool (§ 2.2-4600 et seq.) and required to be provided by such participants to the Department to
194 establish accounts in accordance with § 2.2-4602.

195 27. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident Trust
196 Funds concerning residents or patients of the Department of Veterans Services Care Centers, except that
197 access shall not be denied to the person who is the subject of the information.

198 28. Information maintained in connection with fundraising activities by the Veterans Services Foundation
199 pursuant to § 2.2-2716 that reveal the address, electronic mail address, facsimile or telephone number, social
200 security number or other identification number appearing on a driver's license or other document issued under
201 Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction, or credit card or
202 bank account data of identifiable donors, except that access shall not be denied to the person who is the
203 subject of the information. Nothing in this subdivision, however, shall be construed to prevent the disclosure
204 of information relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the
205 donor, unless the donor has requested anonymity in connection with or as a condition of making a pledge or
206 donation. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the
207 identities of sponsors providing grants to or contracting with the foundation for the performance of services
208 or other work or (ii) the terms and conditions of such grants or contracts.

209 29. Information prepared for and utilized by the Commonwealth's Attorneys' Services Council in the
210 training of state prosecutors or law-enforcement personnel, where such information is not otherwise available
211 to the public and the disclosure of such information would reveal confidential strategies, methods, or
212 procedures to be employed in law-enforcement activities or materials created for the investigation and
213 prosecution of a criminal case.

214 30. Information provided to the Department of Aviation by other entities of the Commonwealth in
215 connection with the operation of aircraft where the information would not be subject to disclosure by the
216 entity providing the information. The entity providing the information to the Department of Aviation shall
217 identify the specific information to be protected and the applicable provision of this chapter that excludes the
218 information from mandatory disclosure.

219 31. Information created or maintained by or on the behalf of the judicial performance evaluation program
220 related to an evaluation of any individual justice or judge made confidential by § 17.1-100.

221 32. Information reflecting the substance of meetings in which (i) individual sexual assault cases are
222 discussed by any sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child
223 abuse or neglect cases or sex offenses involving a child are discussed by multidisciplinary child sexual abuse
224 response teams established pursuant to § 15.2-1627.5, (iii) individual cases of abuse, neglect, or exploitation
225 of adults as defined in § 63.2-1603 are discussed by multidisciplinary teams established pursuant to
226 §§ 15.2-1627.5 and 63.2-1605, or (iv) individual human trafficking cases are discussed by any human
227 trafficking response team established pursuant to § 15.2-1627.6. The findings of any such team may be
228 disclosed or published in statistical or other aggregated form that does not disclose the identity of specific
229 individuals.

230 33. Information contained in the strategic plan, marketing plan, or operational plan prepared by the
231 Virginia Economic Development Partnership Authority pursuant to § 2.2-2237.1 regarding target companies,
232 specific allocation of resources and staff for marketing activities, and specific marketing activities that would
233 reveal to the Commonwealth's competitors for economic development projects the strategies intended to be
234 deployed by the Commonwealth, thereby adversely affecting the financial interest of the Commonwealth.
235 The executive summaries of the strategic plan, marketing plan, and operational plan shall not be redacted or
236 withheld pursuant to this subdivision.

237 34. Information discussed in a closed session of the Physical Therapy Compact Commission or the
238 Executive Board or other committees of the Commission for purposes set forth in subsection E of
239 § 54.1-3491.

240 35. Information held by the Commonwealth of Virginia Innovation Partnership Authority (the Authority),
241 an advisory committee of the Authority, or any other entity designated by the Authority, relating to (i)
242 internal deliberations of or decisions by the Authority on the pursuit of particular investment strategies prior
243 to the execution of such investment strategies and (ii) trade secrets, as defined in the Uniform Trade Secrets
244 Act (§ 59.1-336 et seq.), provided by a private entity to the Authority, if such disclosure of records pursuant

245 to clause (i) or (ii) would have an adverse impact on the financial interest of the Authority or a private entity.

246 36. Personal information provided to or obtained by the Virginia Lottery in connection with the voluntary
247 exclusion program administered pursuant to § 58.1-4015.1.

248 37. Personal information provided to or obtained by the Virginia Lottery concerning the identity of any
249 person reporting prohibited conduct pursuant to § 58.1-4043.

250 38. *Personal contact information held by any state public body concerning identifiable individuals*
251 *younger than 18 years of age who are participating in a program, such as an apprenticeship or unpaid*
252 *internship or externship, run by such state public body. Access shall not be denied to the parent, including a*
253 *noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or*
254 *a court of competent jurisdiction has restricted or denied such access. For personal contact information of*
255 *persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or*
256 *emancipated person who is the subject of the personal contact information may waive, in writing, the*
257 *protections afforded by this subdivision. If the protections are so waived, the public body shall open such*
258 *personal contact information for inspection and copying. As used in this subdivision, "personal contact*
259 *information" means the contact information provided to the public body by the individual participating in the*
260 *program, including (i) home or mailing address, (ii) email address, or (iii) telephone number or comparable*
261 *number assigned to any other electronic communication device.*