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1 **HOUSE BILL NO. 709**

2 Offered January 14, 2026

3 Prefiled January 13, 2026

4 *A BILL to amend and reenact § 2.2-3705.1 of the Code of Virginia, relating to Virginia Freedom of*
5 *Information Act; exclusions of general application to public bodies; personnel contact information.*

6 Patron—Hayes

7 Committee Referral Pending

8 **Be it enacted by the General Assembly of Virginia:**9 **1. That § 2.2-3705.1 of the Code of Virginia is amended and reenacted as follows:**10 **§ 2.2-3705.1. Exclusions to application of chapter; exclusions of general application to public bodies.**11 The following information contained in a public record is excluded from the mandatory disclosure
12 provisions of this chapter but may be disclosed by the custodian in his discretion, except where such
13 disclosure is prohibited by law. Redaction of information excluded under this section from a public record
14 shall be conducted in accordance with § 2.2-3704.01.15 1. Personnel information concerning identifiable individuals, *including the home address, personal email*
16 *address, and home and personal phone numbers of any officer, official, or employee of a public body*, except
17 that access shall not be denied to the person who is the subject thereof. Any person who is the subject of such
18 information and who is 18 years of age or older may waive, in writing, the protections afforded by this
19 subdivision. If the protections are so waived, such information shall be disclosed. Nothing in this subdivision
20 shall be construed to authorize the withholding of any resumes or applications submitted by persons who are
21 appointed by the Governor pursuant to § 2.2-106 or 2.2-107.22 2. Written advice of legal counsel to state, regional or local public bodies or the officers or employees of
23 such public bodies, and any other information protected by the attorney-client privilege.24 3. Legal memoranda and other work product compiled specifically for use in litigation or for use in an
25 active administrative investigation concerning a matter that is properly the subject of a closed meeting under
26 § 2.2-3711.27 4. Any test or examination used, administered or prepared by any public body for purposes of evaluation
28 of (i) any student or any student's performance, (ii) any employee or employment seeker's qualifications or
29 aptitude for employment, retention, or promotion, or (iii) qualifications for any license or certificate issued by
30 a public body.31 As used in this subdivision, "test or examination" shall include (a) any scoring key for any such test or
32 examination and (b) any other document that would jeopardize the security of the test or examination.
33 Nothing contained in this subdivision shall prohibit the release of test scores or results as provided by law, or
34 limit access to individual records as provided by law. However, the subject of such employment tests shall be
35 entitled to review and inspect all records relative to his performance on such employment tests.36 When, in the reasonable opinion of such public body, any such test or examination no longer has any
37 potential for future use, and the security of future tests or examinations will not be jeopardized, the test or
38 examination shall be made available to the public. However, minimum competency tests administered to
39 public school children shall be made available to the public contemporaneously with statewide release of the
40 scores of those taking such tests, but in no event shall such tests be made available to the public later than six
41 months after the administration of such tests.42 5. Records recorded in or compiled exclusively for use in closed meetings lawfully held pursuant to
43 § 2.2-3711. However, no record that is otherwise open to inspection under this chapter shall be deemed
44 exempt by virtue of the fact that it has been reviewed or discussed in a closed meeting.45 6. Vendor proprietary information software that may be in the public records of a public body. For the
46 purpose of this subdivision, "vendor proprietary information software" means computer programs acquired
47 from a vendor for purposes of processing data for agencies or political subdivisions of the Commonwealth.

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59 7. Computer software developed by or for a state agency, public institution of higher education in the
60 Commonwealth, or political subdivision of the Commonwealth.

61 8. Appraisals and cost estimates of real property subject to a proposed purchase, sale, or lease, prior to the
62 completion of such purchase, sale, or lease.

63 9. Information concerning reserves established in specific claims administered by the Department of the
64 Treasury through its Division of Risk Management as provided in Article 5 (§ 2.2-1832 et seq.) of Chapter
65 18, or by any county, city, or town; and investigative notes, correspondence and information furnished in
66 confidence with respect to an investigation of a claim or a potential claim against a public body's insurance
67 policy or self-insurance plan. However, nothing in this subdivision shall prevent the disclosure of information
68 taken from inactive reports upon expiration of the period of limitations for the filing of a civil suit.

69 10. Personal contact information furnished to a public body or any of its members for the purpose of
70 receiving electronic communications from the public body or any of its members, unless the recipient of such
71 electronic communications indicates his approval for the public body to disclose such information. However,
72 access shall not be denied to the person who is the subject of the record. As used in this subdivision,
73 "personal contact information" means the information provided to the public body or any of its members for
74 the purpose of receiving electronic communications from the public body or any of its members and includes
75 home or business (i) address, (ii) email address, or (iii) telephone number or comparable number assigned to
76 any other electronic communication device.

77 11. Communications and materials required to be kept confidential pursuant to § 2.2-4119 of the Virginia
78 Administrative Dispute Resolution Act (§ 2.2-4115 et seq.).

79 12. Information relating to the negotiation and award of a specific contract where competition or
80 bargaining is involved and where the release of such information would adversely affect the bargaining
81 position or negotiating strategy of the public body. Such information shall not be withheld after the public
82 body has made a decision to award or not to award the contract. In the case of procurement transactions
83 conducted pursuant to the Virginia Public Procurement Act (§ 2.2-4300 et seq.), the provisions of this
84 subdivision shall not apply, and any release of information relating to such transactions shall be governed by
85 the Virginia Public Procurement Act.

86 13. Account numbers or routing information for any credit card, debit card, or other account with a
87 financial institution of any person or public body. However, access shall not be denied to the person who is
88 the subject of the information. For the purposes of this subdivision, "financial institution" means any
89 organization authorized to do business under state or federal laws relating to financial institutions, including,
90 without limitation, banks and trust companies, savings banks, savings and loan companies or associations,
91 and credit unions.

92 14. Names and data of any kind that directly or indirectly identify an individual as a member, supporter,
93 or volunteer of, or donor of financial or nonfinancial support to, any entity exempt from federal income tax
94 pursuant to § 501(c) of the Internal Revenue Code, except for those entities established by or for, or in
95 support of, a public body as authorized by state law, not to include a nonprofit foundation designed to support
96 an institution of higher education or other educational or cultural institution subject to Title 23.1.