

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 2.2-3800, 2.2-3801, 2.2-3802, 2.2-3803, 2.2-3806, and 2.2-3809 of the Code*  
 3 *of Virginia, relating to Government Data Collection and Dissemination Practices Act; dissemination of*  
 4 *personal information to federal government; civil penalties.*

5 [H 1161]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That §§ 2.2-3800, 2.2-3801, 2.2-3802, 2.2-3803, 2.2-3806, and 2.2-3809 of the Code of Virginia are**  
9 **amended and reenacted as follows:**10 **§ 2.2-3800. Short title; findings; principles of information practice.**

11 A. This chapter may be cited as the "Government Data Collection and Dissemination Practices Act."

12 B. The General Assembly finds that:

13 1. An individual's privacy is directly affected by the extensive collection, maintenance, use, and  
14 dissemination of personal information;15 2. The increasing use of computers and sophisticated information technology has greatly magnified the  
16 harm that can occur from these practices;17 3. An individual's opportunities to secure employment, insurance, credit, and his right to due process, and  
18 other legal protections are endangered by the misuse of certain of these personal information systems; and19 4. In order to preserve the rights guaranteed a citizen in a free society, legislation is necessary to establish  
20 procedures to govern information systems containing records on individuals.21 C. Recordkeeping agencies *and political subdivisions* of the Commonwealth ~~and political subdivisions~~  
22 shall adhere to the following principles of information practice to ensure safeguards for personal privacy:

23 1. There shall be no personal information system whose existence is secret.

24 2. Information shall not be collected unless the need for it has been clearly established in advance.

25 3. Information shall be appropriate and relevant to the purpose for which it has been collected.

26 4. Information shall not be obtained by fraudulent or unfair means.

27 5. Information shall not be used unless it is accurate and current.

28 6. There shall be a prescribed procedure for an individual to learn the purpose for which information has  
29 been recorded and particulars about its use and dissemination.30 7. There shall be a clearly prescribed and uncomplicated procedure for an individual to correct, erase, or  
31 amend inaccurate, obsolete, or irrelevant information.32 8. Any agency holding personal information shall assure its reliability and take precautions to prevent its  
33 misuse.34 9. There shall be a clearly prescribed procedure to prevent personal information collected for one purpose  
35 from being used or disseminated for another purpose unless such use or dissemination is authorized or  
36 required by law.37 10. ~~The Commonwealth or any~~ No agency or political subdivision ~~thereof~~ of the Commonwealth shall ~~not~~  
38 collect personal information except as explicitly or implicitly authorized by law.39 11. *No agency or political subdivision of the Commonwealth shall sell personal information.*40 12. *Any agency or political subdivision of the Commonwealth shall disseminate personal information*  
41 *only:*42 *a. To the extent necessary to comply with state or federal law, including the federal Health Insurance*  
43 *Portability and Accountability Act (42 U.S.C. § 1320d et seq.), as amended;*44 *b. To the extent necessary to carry out the administration of a state or federal program pursuant to state*  
45 *or federal law;*46 *c. To comply with a subpoena, court order, or administrative proceeding;*47 *d. To the extent necessary to ensure fulfillment of the obligations of a purchase or contract made in*  
48 *accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.) or a memorandum of*  
49 *understanding or management agreement made in accordance with the Restructured Higher Education*  
50 *Financial and Administrative Operations Act (§ 23.1-1000 et seq.);*51 *e. When the data subject has given consent; or*52 *f. To the extent necessary to accomplish a proper purpose of the agency.*53 **§ 2.2-3801. Definitions.**

54 As used in this chapter, unless the context requires a different meaning:

55 "Agency" means any agency, authority, board, department, division, commission, institution, bureau, or  
56 like governmental entity of the Commonwealth or of any unit of local government including counties, cities,

57 towns, regional governments, and the departments thereof, and includes constitutional officers, except as  
 58 otherwise expressly provided by law. "Agency" shall also include any entity, whether public or private, with  
 59 which any of the foregoing has entered into a contractual relationship for the operation of a system of  
 60 personal information to accomplish an agency function. Any such entity included in this definition by reason  
 61 of a contractual relationship shall only be deemed an agency as relates to services performed pursuant to that  
 62 contractual relationship, provided that if any such entity is a consumer reporting agency, it shall be deemed to  
 63 have satisfied all of the requirements of this chapter if it fully complies with the requirements of the Federal  
 64 Fair Credit Reporting Act as applicable to services performed pursuant to such contractual relationship.

65 "*Consent*" means a clear affirmative act signifying a data subject's freely given, specific, informed, and  
 66 unambiguous agreement to disseminate personal information relating to the data subject. "*Consent*" may  
 67 include a written statement, including a statement written by electronic means, or any other unambiguous  
 68 affirmative action.

69 "Data subject" means an individual about whom personal information is indexed or may be located under  
 70 his name, personal number, or other identifiable particulars, in an information system.

71 "Disseminate" means to release, transfer, or otherwise communicate information orally, in writing, or by  
 72 electronic means.

73 "Information system" means the total components and operations of a record-keeping process, including  
 74 information collected or managed by means of computer networks and the ~~Internet~~ internet, whether  
 75 automated or manual, containing personal information and the name, personal number, or other identifying  
 76 particulars of a data subject.

77 "Personal information" means all information that (i) describes, locates, or indexes anything about an  
 78 individual, including, ~~but not limited to,~~ his social security number, *U.S. Citizenship and Immigration*  
 79 *Services (USCIS) alien registration number*, driver's license number, agency-issued identification number,  
 80 student identification number, real or personal property holdings derived from tax returns, *tax identification*  
 81 *number*, and his education, financial transactions, medical history, ancestry, *national origin*, religion, political  
 82 ideology, *voting history*, criminal or employment record, and *immigration status*, or (ii) affords a basis for  
 83 inferring personal characteristics, such as ~~finger and voice prints~~ fingerprints, voiceprints, faceprints, eye  
 84 retinas, irises, or other unique biological patterns or characteristics, physical or digital photographs, videos,  
 85 or audio, or things done by or to such individual; and the record of his presence, registration, or membership  
 86 in an organization or activity, or admission to an institution. "Personal information" ~~shall~~ does not include  
 87 routine information maintained for the purpose of internal office administration whose use could not be such  
 88 as to affect adversely any data subject nor does the term include real estate assessment information.

89 "*Private entity*" means any natural person, corporation, general partnership, limited liability company,  
 90 limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity, or other  
 91 business entity.

92 "Proper purpose" includes the sharing or dissemination of data or information among and between  
 93 agencies, or, as applicable, private entities, in order to (i) streamline administrative processes to improve the  
 94 efficiency and efficacy of services, access to services, eligibility determinations for services, and service  
 95 delivery; (ii) reduce paperwork and administrative burdens on applicants for and recipients of public services;  
 96 (iii) improve the efficiency and efficacy of the management of public programs; (iv) prevent fraud and  
 97 improve auditing capabilities; (v) conduct outcomes-related research; (vi) develop quantifiable data to aid in  
 98 policy development and decision making to promote the most efficient and effective use of resources; and  
 99 (vii) perform data analytics regarding any of the purposes set forth in this definition.

100 "Purge" means to obliterate information completely from the transient, permanent, or archival records of  
 101 an agency.

102 **§ 2.2-3802. Systems to which chapter inapplicable.**

103 The provisions of this chapter shall not apply to personal information systems:

- 104 1. Maintained by any court of the Commonwealth;
- 105 2. Which may exist in publications of general circulation;
- 106 3. Contained in the Criminal Justice Information System as defined in §§ 9.1-126 through 9.1-137 or in  
 107 the Sex Offender and Crimes Against Minors Registry maintained by the Department of State Police pursuant  
 108 to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, except to the extent that information is required to be posted on  
 109 the Internet pursuant to § 9.1-913;
- 110 4. Contained in the Virginia Juvenile Justice Information System as defined in §§ 16.1-222 through  
 111 16.1-225;

112 5. Maintained by agencies concerning persons required by law to be licensed in the Commonwealth to  
 113 engage in the practice of any profession, in which case the names and addresses of persons applying for or  
 114 possessing the license may be disseminated upon written request to a person engaged in the profession or  
 115 business of offering professional educational materials or courses for the sole purpose of providing the  
 116 licensees or applicants for licenses with informational materials relating solely to available professional  
 117 educational materials or courses, provided the disseminating agency is reasonably assured that the use of the  
 118 information will be so limited;

119 6. Maintained by the Parole Board, the Crime Commission, the Judicial Inquiry and Review Commission,  
120 the Virginia Racing Commission, the Virginia Criminal Sentencing Commission, and the Virginia Alcoholic  
121 Beverage Control Authority;

122 7. Maintained by any of the following and that deal with investigations and intelligence gathering related  
123 to criminal activity:

- 124 a. The Department of State Police;
- 125 b. The police department of the Chesapeake Bay Bridge and Tunnel Commission;
- 126 c. Police departments of cities, counties, and towns;
- 127 d. Sheriff's departments of counties and cities;
- 128 e. Campus police departments of public institutions of higher education as established by Article 3  
129 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; and
- 130 f. The Division of Capitol Police.

131 8. Maintained by local departments of social services regarding alleged cases of child abuse or neglect  
132 while such cases are also subject to an ongoing criminal prosecution;

133 9. Maintained by the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1;

134 10. Maintained by the Virginia Tourism Authority in connection with or as a result of the promotion of  
135 travel or tourism in the Commonwealth, in which case names and addresses of persons requesting  
136 information on those subjects may be disseminated upon written request to a person engaged in the business  
137 of providing travel services or distributing travel information, provided the Virginia Tourism Authority is  
138 reasonably assured that the use of the information will be so limited;

139 11. Maintained by the Division of Consolidated Laboratory Services of the Department of General  
140 Services and the Department of Forensic Science, which deal with scientific investigations relating to  
141 criminal activity or suspected criminal activity, except to the extent that § 9.1-1104 may apply;

142 12. Maintained by the Department of Corrections, *the Department of Juvenile Justice*, or the Office of the  
143 State Inspector General that deal with investigations and intelligence gathering by persons acting under the  
144 provisions of Chapter 3.2 (§ 2.2-307 et seq.);

145 13. Maintained by (i) the Office of the State Inspector General or internal audit departments of state  
146 agencies or institutions that deal with communications and investigations relating to the Fraud, Waste and  
147 Abuse Hotline or (ii) an auditor appointed by the local governing body of any county, city, or town or a  
148 school board that deals with local investigations required by § 15.2-2511.2;

149 14. Maintained by the Department of Social Services or any local department of social services relating to  
150 public assistance fraud investigations;

151 15. Maintained by the Department of Social Services related to child welfare or public assistance  
152 programs when requests for personal information are made to the Department of Social Services. Requests  
153 for information from these systems shall be made to the appropriate local department of social services that is  
154 the custodian of that record. Notwithstanding the language in this section, an individual shall not be  
155 prohibited from obtaining information from the central registry in accordance with the provisions of  
156 § 63.2-1515; and

157 16. Maintained by the Department for Aging and Rehabilitative Services related to adult services, adult  
158 protective services, or auxiliary grants when requests for personal information are made to the Department for  
159 Aging and Rehabilitative Services. Requests for information from these systems shall be made to the  
160 appropriate local department of social services that is the custodian of that record.

161 **§ 2.2-3803. Administration of systems including personal information; internet privacy policy;**  
162 **exceptions.**

163 A. Any agency maintaining an information system that includes personal information shall:

164 1. Collect, maintain, use, and disseminate only that personal information permitted or required by law to  
165 be so collected, maintained, used, or disseminated, or necessary to accomplish a proper purpose of the  
166 agency;

167 2. Collect information to the greatest extent feasible from the data subject directly, or through the sharing  
168 of data with other agencies, in order to accomplish a proper purpose of the agency;

169 3. Establish categories for maintaining personal information to operate in conjunction with confidentiality  
170 requirements and access controls;

171 4. Maintain information in the system with accuracy, completeness, timeliness, and pertinence as  
172 necessary to ensure fairness in determinations relating to a data subject;

173 5. Make no dissemination to another system without (i) specifying requirements for security and usage,  
174 including limitations on access thereto, and (ii) receiving reasonable assurances that those requirements and  
175 limitations will be observed. This subdivision shall not apply, however, to a dissemination made by an  
176 agency to an agency in another state, district, or territory of the United States where the personal information  
177 is requested by the agency of such other state, district, or territory in connection with the application of the  
178 data subject therein for a service, privilege, or right under the laws thereof, nor shall this apply to information  
179 transmitted to family advocacy representatives of the United States Armed Forces in accordance with  
180 subsection N of § 63.2-1503;

181 6. Maintain a list of all persons or organizations having regular access to personal information in the  
182 information system;

183 7. Maintain for a period of three years or until such time as the personal information is purged, whichever  
184 is shorter, a complete and accurate record, including identity and purpose, of every access to any personal  
185 information in a system, including the identity of any persons or organizations not having regular access  
186 authority but excluding access by the personnel of the agency wherein data is put to service for the purpose  
187 for which it is obtained;

188 8. Take affirmative action to establish rules of conduct and inform each person involved in the design,  
189 development, operation, or maintenance of the system, or the collection or use of any personal information  
190 contained therein, about all the requirements of this chapter; *and* the rules and procedures, including penalties  
191 for noncompliance, of the agency designed to assure compliance with such requirements;

192 9. Establish appropriate safeguards to secure the system from any reasonably foreseeable threat to its  
193 security; ~~and~~

194 10. Collect no personal information concerning the political or religious beliefs, affiliations, and activities  
195 of data subjects that is maintained, used, or disseminated in or by any information system operated by any  
196 agency unless authorized explicitly by statute or ordinance. Nothing in this subdivision shall be construed to  
197 allow an agency to disseminate to federal government authorities information concerning the religious beliefs  
198 and affiliations of data subjects for the purpose of compiling a list, registry, or database of individuals based  
199 on religious affiliation, national origin, or ethnicity, unless such dissemination is specifically required by state  
200 or federal law; *and*

201 *11. Disseminate personal information only:*

202 *a. To the extent necessary to comply with state or federal law, including the federal Health Insurance*  
203 *Portability and Accountability Act (42 U.S.C. § 1320d et seq.), as amended;*

204 *b. To the extent necessary to carry out the administration of a state or federal program pursuant to state*  
205 *or federal law;*

206 *c. To comply with a subpoena, court order, or administrative proceeding;*

207 *d. To the extent necessary to ensure fulfillment of the obligations of a purchase or contract made in*  
208 *accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.) or a memorandum of*  
209 *understanding or management agreement made in accordance with the Restructured Higher Education*  
210 *Financial and Administrative Operations Act (§ 23.1-1000 et seq.);*

211 *e. When the data subject has given consent; or*

212 *f. To the extent necessary to accomplish a proper purpose of the agency.*

213 B. Every public body, as defined in § 2.2-3701, that has an ~~Internet~~ *internet* website associated with that  
214 public body shall develop an ~~Internet~~ *internet* privacy policy and an ~~Internet~~ *internet* privacy policy statement  
215 that explains the policy to the public. The policy shall be consistent with the requirements of this chapter. The  
216 statement shall be made available on the public body's website in a conspicuous manner. The Secretary of  
217 Administration or his designee shall provide guidelines for developing the policy and the statement, and each  
218 public body shall tailor the policy and the statement to reflect the information practices of the individual  
219 public body. At minimum, the policy and the statement shall address (i) what information, including  
220 personally identifiable information, will be collected, if any; (ii) whether any information will be  
221 automatically collected simply by accessing the website and, if so, what information; (iii) whether the website  
222 automatically places a computer file, commonly referred to as a "cookie," on the ~~Internet~~ *internet* user's  
223 computer and, if so, for what purpose; and (iv) how the collected information is being used or will be used.

224 C. Notwithstanding the provisions of subsection A, the Virginia Retirement System may disseminate  
225 information as to the retirement status or benefit eligibility of any employee covered by the Virginia  
226 Retirement System, the Judicial Retirement System, the State Police Officers' Retirement System, or the  
227 Virginia Law Officers' Retirement System; to the chief executive officer or personnel officers of the state or  
228 local agency by which he is employed.

229 D. Notwithstanding the provisions of subsection A, the Department of Social Services may disseminate  
230 client information to the Department of Taxation for the purposes of providing specified tax information as  
231 set forth in clause (ii) of subsection C of § 58.1-3.

232 E. Notwithstanding the provisions of subsection A, the State Council of Higher Education for Virginia  
233 may disseminate student information to agencies acting on behalf or in place of the U.S. government to gain  
234 access to data on wages earned outside the Commonwealth or through federal employment, for the purposes  
235 of complying with § 23.1-204.1.

236 **§ 2.2-3806. Rights of data subjects.**

237 A. Any agency maintaining personal information shall:

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

241 2. Give notice to a data subject of the possible dissemination of part or all of this information to another  
242 agency, nongovernmental organization, or system, *including a federal agency or system, or to a private*

243 entity, that does not ~~having~~ have regular access authority, and indicate the use for which ~~it~~ the possible  
 244 dissemination is intended; and the specific consequences for the individual, ~~which~~ that are known to the  
 245 agency; of providing or not providing the information. However, documented ~~permission~~ consent for  
 246 dissemination in the hands of the other agency ~~or~~, organization, system, or private entity shall satisfy the  
 247 requirement of this subdivision. The notice may be given on applications or other data collection forms  
 248 prepared by data subjects.

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

251 a. All personal information about that data subject except as provided in subdivision 1 of § 2.2-3705.1,  
 252 subdivision A 1 of § 2.2-3705.4, and subdivision 1 of § 2.2-3705.5.

253 b. The nature of the sources of the information.

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

259 d. Any consent given by the data subject for the dissemination of personal information.

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

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

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

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

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

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

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

279 c. If the investigation does not resolve the dispute, the data subject may file a statement of not more than  
 280 200 words setting forth his position.

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

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

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

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

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

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

305 after the administration of such tests.

306 C. Neither any provision of this chapter nor any provision of the *Virginia* Freedom of Information Act  
307 (§ 2.2-3700 et seq.) shall be construed to deny public access to records of the position, job classification,  
308 official salary or rate of pay of, and to records of the allowances or reimbursements for expenses paid to any  
309 public officer, official, or employee at any level of state, local, or regional government in the Commonwealth.  
310 The provisions of this subsection shall not apply to records of the official salaries or rates of pay of public  
311 employees whose annual rate of pay is \$10,000 or less.

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

314 E. *Nothing in this chapter shall be construed to require an agency to disseminate personal information*  
315 *except:*

316 1. *To the extent necessary to comply with state or federal law, including the federal Health Insurance*  
317 *Portability and Accountability Act (42 U.S.C. § 1320d et seq.), as amended;*

318 2. *To the extent necessary to carry out the administration of a state or federal program pursuant to state*  
319 *or federal law;*

320 3. *To comply with a subpoena, court order, or administrative proceeding;*

321 4. *To the extent necessary to ensure fulfillment of the obligations of a purchase or contract made in*  
322 *accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.) or a memorandum of*  
323 *understanding or management agreement made in accordance with the Restructured Higher Education*  
324 *Financial and Administrative Operations Act (§ 23.1-1000 et seq.);*

325 5. *When the data subject has given consent; or*

326 6. *To the extent necessary to accomplish a proper purpose of the agency.*

327 **§ 2.2-3809. Injunctive relief; civil penalties; attorneys' fees.**

328 Any aggrieved person may institute a proceeding for injunction or mandamus against any person or  
329 agency that has engaged, is engaged, or is about to engage in any acts or practices in violation of the  
330 provisions of this chapter. The proceeding shall be brought in the district or circuit court of any county or city  
331 where the aggrieved person resides or where the agency made defendant has a place of business.

332 In the case of any successful proceeding by an aggrieved party, the agency enjoined or made subject to a  
333 writ of mandamus by the court shall be liable for the costs of the action together with reasonable attorneys'  
334 fees as determined by the court.

335 In addition, if the court finds that a violation of subsection A of § 2.2-3808 was willfully and knowingly  
336 made by a specific public officer, appointee, or employee of any agency, the court may impose upon such  
337 individual a civil penalty of not less than \$250 nor more than \$1,000, which amount shall be paid into the  
338 State Literary Fund. For a second or subsequent violation, such civil penalty shall be not less than \$1,000 nor  
339 more than \$2,500. For a violation of subsection A of § 2.2-3808 by any agency, the court may impose a civil  
340 penalty of not less than \$250 nor more than \$1,000, which amount shall be paid into the State Literary Fund.  
341 For a second or subsequent violation, such civil penalty shall be not less than \$1,000 nor more than \$2,500. *If*  
342 *the court finds that a violation of subdivision A 11 of § 2.2-3803 was willfully and knowingly made by a*  
343 *specific public officer, appointee, or employee of any agency, the court may impose upon such individual a*  
344 *civil penalty of not less than \$500 nor more than \$2,500, which amount shall be paid into the State Literary*  
345 *Fund. For a second or subsequent violation, such civil penalty shall be not less than \$2,500 nor more than*  
346 *\$10,000.*