VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL
COMMONWEALTH OF VIRGINIA

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VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

Remedies Subcommittee

Thursday, August 20, 2026 1:00 p.m.
Virtual Meeting

Note: This meeting will be live streamed at
https://virginiageneralassembly.gov/house/committees/commstream.html

AGENDA
ANNOTATED

1. **Call to Order;** introduction of subcommittee members.
2. **Discussion;** the FOIA Council directed the Subcommittee to study HB 159 (Simon) and HB 160 (Simon) as summarized below:
   a. **HB 159 (Simon) Virginia Freedom of Information Act; proceedings for enforcement; petition for mandamus or injunction.** Specifies that service of process or a summons for a hearing shall not be required when a petition for mandamus or injunction to enforce rights granted under the Virginia Freedom of Information Act has been filed.
   b. **HB 160 (Simon) Virginia Freedom of Information Act; officers, employees, or members of a public body; alleged willful and knowing violations; mitigating factors to be considered.** Specifies that civil penalties may only be imposed on officers, employees, or members of a public body in actions brought against them in their individual capacity for certain violations of the Virginia Freedom of Information Act. The bill further requires a court, when determining whether an officer, an employee, or a member of a public body has committed certain violations of the Virginia Freedom of Information Act willfully and knowingly, to consider certain mitigating factors, including good faith reliance on (i) opinions of the Attorney General; (ii) court cases substantially supporting such

officer's, employee's, or member's actions; (iii) advisory opinions of the Virginia Freedom of Information Advisory Council; and (iv) advice of counsel for the public body, as evidence that such officer, employee, or member did not willfully and knowingly commit such violation. Current law provides any officer, employee, or member of a public body the right to introduce at any proceeding regarding such willful and knowing violation a copy of a relevant advisory opinion issued by the Virginia Freedom of Information Advisory Council. This bill is a recommendation of the Boyd-Graves Conference.

3. **Public Comment.**
4. **Other Business.**
5. **Adjournment.**

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Subcommittee Members

Delegate Marcus Simon
Senator Mamie Locke
Maria JK Everett
Chidi James
Jake Lambert

The FOIA Council's website is: foiacouncil.dls.virginia.gov. To assist us in providing Internet dissemination of materials, presenters are requested to submit written comments and handouts in electronic format by email to staff prior to meetings. Presenters are also requested to bring 20 copies of their remarks or handouts to meetings. These copies will be provided to FOIA Council members and the public.