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HOUSE BILL NO. 959

Offered January 11, 2006
Prefiled January 10, 2006

A BILL to amend and reenact § 42.1-86.1 of the Code of Virginia, relating to the Virginia Public Records Act; disposition of public records.

Patron—Cox

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 42.1-86.1 of the Code of Virginia is amended and reenacted as follows:

§ 42.1-86.1. Disposition of public records.

A. No agency shall sell or give away public records. No agency shall destroy or discard a public record unless (i) the record appears on a records retention and disposition schedule approved pursuant to § 42.1-82 and the record's retention period has expired; (ii) a certificate of records destruction, as designated by the Librarian of Virginia, has been properly completed and approved by the agency's designated records officer; and (iii) there is no litigation, audit, investigation, request for records pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), or renegotiation of the relevant records retention and disposition schedule pending at the expiration of the retention period for the applicable records series. After a record is destroyed or discarded, the agency shall forward the original certificate of records destruction to The Library of Virginia.

B. Each agency shall ensure that records authorized to be destroyed or discarded in accordance with subsection A, are destroyed or discarded in a timely manner in accordance with the provisions of this chapter.

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