

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 42.1-86.1 of the Code of Virginia, relating to the Virginia Public*
3 *Records Act; disposition of public records.*

4
5 Approved

[S 461]

6 **Be it enacted by the General Assembly of Virginia:**

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

8 § 42.1-86.1. Disposition of public records.

9 A. No agency shall sell or give away public records. No agency shall destroy or discard a public
10 record unless (i) the record appears on a records retention and disposition schedule approved pursuant to
11 § 42.1-82 and the record's retention period has expired; (ii) a certificate of records destruction, as
12 designated by the Librarian of Virginia, has been properly completed and approved by the agency's
13 designated records officer; and (iii) there is no litigation, audit, investigation, request for records
14 pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), or renegotiation of the
15 relevant records retention and disposition schedule pending at the expiration of the retention period for
16 the applicable records series. After a record is destroyed or discarded, the agency shall forward the
17 original certificate of records destruction to The Library of Virginia.

18 B. *Each agency shall ensure that records created after July 1, 2006 and authorized to be destroyed*
19 *or discarded in accordance with subsection A, are destroyed or discarded within six months of the*
20 *expiration of the record's retention period in accordance with the provisions of this chapter. All records*
21 *previously authorized to be destroyed shall be destroyed in a timely manner.*

22 **2. That the Librarian of Virginia shall report to the chairs of the Senate Committee on General**
23 **Laws and Technology and the House Committee on General Laws on or before October 1 of each**
24 **year concerning the destruction of records in accordance with the provisions of this act.**

ENROLLED

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