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HOUSE JOINT RESOLUTION NO. 96

Offered January 8, 2014
Prefiled January 7, 2014

Directing the Virginia Freedom of Information Advisory Council to study all exemptions contained in the Virginia Freedom of Information Act to determine the continued applicability or appropriateness of such exemptions and whether the Virginia Freedom of Information Act should be amended to eliminate any exemption from the Virginia Freedom of Information Act that the Virginia Freedom of Information Advisory Council determines is no longer applicable or appropriate. Report.

Patron—LeMunyon

Referred to Committee on Rules

WHEREAS, in enacting the Virginia Freedom of Information Act (FOIA) (§ 2.2-3700 et seq. of the Code of Virginia), the Virginia General Assembly determined that "[t]he affairs of government are not intended to be conducted in an atmosphere of secrecy since at all times the public is to be the beneficiary of any action taken at any level of government"; and

WHEREAS, the General Assembly further determined in enacting FOIA that its provisions "shall be liberally construed to promote an increased awareness by all persons of governmental activities and afford every opportunity to citizens to witness the operations of government"; and

WHEREAS, the General Assembly conducts a routine study of FOIA through the creation of a joint subcommittee every 10 years to ensure that the nomenclature and substantive provisions of FOIA are up-to-date; and

WHEREAS, the last joint subcommittee study of FOIA was pursuant to HJ 187 in 1998, which study led to the creation of the Virginia Freedom of Information Advisory Council (FOIA Council) in 2000 as well as a substantive rewrite of FOIA; and

WHEREAS, the citizens of the Commonwealth have a substantial interest in continuing to secure access to the records and meetings of Virginia governmental entities at all levels; and

WHEREAS, the FOIA Council serves as the clearinghouse for public access issues to the General Assembly, by keeping abreast of trends, developments in judicial decisions, and emerging issues related to FOIA and access generally; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia Freedom of Information Advisory Council be directed to study all exemptions contained in FOIA to determine the continued applicability or appropriateness of such exemptions and whether the Virginia Freedom of Information Act should be amended to eliminate any exemption from FOIA that the FOIA Council determines is no longer applicable or appropriate. In conducting its study, the FOIA Council shall also examine the organizational structure of FOIA and make recommendations to improve the readability and clarity of FOIA. The FOIA Council shall consider comment from citizens of the Commonwealth; representatives of state and local governmental entities; broadcast, print, and electronic media sources; open government organizations; and other interested parties.

All agencies of the Commonwealth shall provide assistance to the FOIA Council for this study, upon request.

The FOIA Council shall complete its meetings by November 30, 2016, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document as provided in § 30-179 of the Code of Virginia.. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2017 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

INTRODUCED

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