

## **Department of Planning and Budget**

### **2016 Fiscal Impact Statement**

**1. Bill Number:** SB645

<b>House of Origin</b>	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
<b>Second House</b>	<input type="checkbox"/> In Committee	<input checked="" type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Enrolled

**2. Patron:** McPike, J.

**3. Committee:** Passed Both Houses

**4. Title:** Virginia Freedom of Information Act (FOIA); exempt records concerning critical infrastructure.

**5. Summary:** The substitute bill introduces “critical infrastructure information security and resilience” as a purpose for which records may be withheld from public disclosure through FOIA. The definition of “critical infrastructure information” is stated to be the same as that term is defined in 6 U.S.C. § 131. The substitute also specifies that any public body receiving a request for records excluded under this subdivision shall notify the Secretary of Public Safety and Homeland Security or his designee of such request and the response made by the public body in accordance with § 2.2-3704.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** No fiscal impact.

**8. Fiscal Implications:** None.

**9. Specific Agency or Political Subdivisions Affected:** State and local agencies that possess critical infrastructure information.

**10. Technical Amendment Necessary:** None.

**11. Other Comments:** The original bill introduced definitions for "critical infrastructure," "government infrastructure," "interdependency," and "security information" for purposes of FOIA and revised the related FOIA public safety record exemption to incorporate those terms. The original bill also set out procedures in cases where a custodian of any public safety records elects to exercise his discretion to release such records. The substitute bill does not include these items.

**Date:** 3/10/16