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HOUSE BILL NO. 2143

Offered January 11, 2017

Prefiled January 11, 2017

A BILL to amend and reenact §§ 2.2-3704.2 and 30-179 of the Code of Virginia, relating to the Virginia Freedom of Information Act; training by third parties approved by the Virginia Freedom of Information Advisory Council.

 Patron—LeMunyon

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That §§ 2.2-3704.2 and 30-179 of the Code of Virginia are amended and reenacted as follows:****§ 2.2-3704.2. Public bodies to designate FOIA officer.**

A. All state public bodies, including state authorities, that are subject to the provisions of this chapter and all local public bodies that are subject to the provisions of this chapter, shall designate and publicly identify one or more Freedom of Information Act officers (FOIA officer) whose responsibility is to serve as a point of contact for members of the public in requesting public records and to coordinate the public body's compliance with the provisions of this chapter.

B. For such state public bodies, the name and contact information of the public body's FOIA officer to whom members of the public may direct requests for public records and who will oversee the public body's compliance with the provisions of this chapter shall be made available to the public upon request and be posted on the respective public body's website at the time of designation and maintained thereafter on such website for the duration of the designation.

C. For such local public bodies, the name and contact information of the public body's FOIA officer to whom members of the public may direct requests for public records and who will oversee the public body's compliance with the provisions of this chapter shall be made available in a way reasonably calculated to provide notice to the public, including posting at the public body's place of business, posting on its website, or including such information in its publications.

D. For the purposes of this section, local public bodies shall include constitutional officers.

E. Any such FOIA officer shall possess specific knowledge of the provisions of this chapter and be trained at least annually by legal counsel for the public body ~~or~~, by the Virginia Freedom of Information Advisory Council, *or by an instructor approved by the Council pursuant to the provisions of subdivision 2 of § 30-179.*

§ 30-179. Powers and duties of the Council.

The Council shall:

1. Furnish, upon request, advisory opinions or guidelines, and other appropriate information regarding the Freedom of Information Act (§ 2.2-3700 et seq.) to any person or agency of state or local government, in an expeditious manner;

2. Conduct training seminars and educational programs for the members and staff of public bodies and other interested persons on the requirements of the Freedom of Information Act (§ 2.2-3700 et seq.). *The Council may approve third-party instructors to conduct such training seminars and educational programs pursuant to a course curriculum and course materials developed and approved by the Council. The Council shall set a cap on any fees charged by the instructor, and the instructor, if not an attorney, shall be required to have an attorney available at the course to answer any questions raised by attendees. Any third-party instructor, course curriculum, and course materials approved by the Council pursuant to this subdivision shall be evaluated for approval by the Council annually;*

3. Publish such educational materials as it deems appropriate on the provisions of the Freedom of Information Act (§ 2.2-3700 et seq.);

4. Request from any agency of state or local government such assistance, services and information as will enable the Council to effectively carry out its responsibilities. Information provided to the Council by an agency of state or local government shall not be released to any other party unless authorized by such agency;

5. Assist in the development and implementation of the provisions of § 2.2-3704.1;

6. Develop the public comment form for use by designated public bodies in accordance with subsection F of § 2.2-3708; and

7. Report annually on or before December 1 of each year on its activities and findings regarding the Freedom of Information Act (§ 2.2-3700 et seq.), including recommendations for changes in the law, to the General Assembly and the Governor. The annual report shall be published as a state document.

INTRODUCED

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