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HOUSE BILL NO. 213

Offered January 10, 2018

Prefiled December 29, 2017

A BILL to amend and reenact § 30-179 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 37 of Title 2.2 a section numbered 2.2-3715, relating to the Virginia Freedom of Information Advisory Council; formal advisory opinions; immunity from civil penalty.

 Patron—Mullin

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 30-179 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 37 of Title 2.2 a section numbered 2.2-3715 as follows:

§ 2.2-3715. Immunity from civil penalty.

No officer, employee, or member of a public body shall be found to have willfully and knowingly violated § 2.2-3704, 2.2-3705.1 through 2.2-3705.7, 2.2-3706, 2.2-3707, 2.2-3708, 2.2-3708.1, 2.2-3710, 2.2-3711, or 2.2-3712 pursuant to § 2.2-3714 if the alleged violation resulted from his good faith reliance on a formal advisory opinion of the Virginia Freedom of Information Advisory Council made in response to his written request for such opinion and the opinion was made after a full disclosure of the facts, regardless of whether such opinion is later withdrawn, provided that the alleged violation occurred prior to the withdrawal of the opinion.

§ 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. *The Council may authorize a designee to furnish formal advisory opinions or informal advice. Formal advisory opinions shall be published on the Council's website; however, no formal advisory opinion furnished by a designee of the Council shall be published until such opinion has been approved by the Council;*

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.);

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;

7. Develop an online public comment form to be posted on the Council's official public government website to enable any requester to comment on the quality of assistance provided to the requester by a public body; and

8. 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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