

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 30-179 of the Code of Virginia and to amend the Code of Virginia by*  
3 *adding in Chapter 37 of Title 2.2 a section numbered 2.2-3715, relating to the Virginia Freedom of*  
4 *Information Advisory Council; advisory opinions; evidence in civil proceeding.*

5 [H 1772]

6 Approved

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

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

10 **§ 2.2-3715. *Effect of advisory opinions from the Freedom of Information Advisory Council on***  
11 ***liability for willful and knowing violations.***

12 *Any officer, employee, or member of a public body who is alleged to have committed a willful and*  
13 *knowing violation pursuant to § 2.2-3714 shall have the right to introduce at any proceeding a copy of*  
14 *a relevant advisory opinion issued pursuant to § 30-179 as evidence that he did not willfully and*  
15 *knowingly commit the violation if the alleged violation resulted from his good faith reliance on the*  
16 *advisory opinion.*

17 **§ 30-179. Powers and duties of the Council.**

18 The Council shall:

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

22 2. Conduct training seminars and educational programs for the members and staff of public bodies  
23 and other interested persons on the requirements of the Freedom of Information Act (§ 2.2-3700 et seq.);

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

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

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

31 6. Develop the public comment form for use by designated public bodies in accordance with  
32 subdivision D 6 of § 2.2-3708.2;

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

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

ENROLLED

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