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HOUSE JOINT RESOLUTION NO. 628

Offered January 9, 2019

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Directing the Virginia Freedom of Information Advisory Council to study the threat of phishing attacks on citizens and public employees whose contact and private information is legally obtained as a result of a Virginia Freedom of Information Act request. Report.

Patrons—Heretick and James

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 Virginia Freedom of Information Advisory Council (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; and

WHEREAS, under current FOIA provisions, the hacking of electronically generated FOIA information containing citizens' and public employees' personally identifiable information is not sufficiently addressed; and

WHEREAS, with the current state of technological connectivity, and the ability to access information via the Internet, the availability of this personally identifiable information increases the risk of identity theft for citizens and public employees through the unsecured exposure of their personal information; 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 the threat of phishing attacks on citizens and public employees whose contact and private information is legally obtained as a result of a Freedom of Information Act request.

In conducting its study, the FOIA Council shall examine the current FOIA provisions and make recommendations on ways to address the threat of phishing attacks on citizens and public employees of the Commonwealth. The FOIA Council shall consider comment from citizens of the Commonwealth; representatives of state and local government entities; broadcast, print, and electronic media sources; open government organizations; and other interested parties.

Technical assistance shall be provided to the FOIA Council by the Division of Legislative Services. 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, 2019, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2020 Regular Session of the General Assembly. The executive summary shall state whether the FOIA Council intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. 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 and shall be posted on the General Assembly's website.

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