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HOUSE BILL NO. 671

Offered January 8, 2020

Prefiled January 6, 2020

A BILL to amend and reenact §§ 2.2-3701, 2.2-3703, 2.2-3705.7, and 17.1-315 of the Code of Virginia, relating to the Virginia Freedom of Information Act; applicability to certain records of the Office of Executive Secretary and judicial officers; duties of Executive Secretary to the Supreme Court.

Patrons—Mullin and Roem

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3701, 2.2-3703, 2.2-3705.7, and 17.1-315 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-3701. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Closed meeting" means a meeting from which the public is excluded.

"Electronic communication" means the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

"Emergency" means an unforeseen circumstance rendering the notice required by this chapter impossible or impracticable and which circumstance requires immediate action.

"Information" as used in the exclusions established by §§ 2.2-3705.1 through 2.2-3705.7, means the content within a public record that references a specifically identified subject matter, and shall not be interpreted to require the production of information that is not embodied in a public record.

"Meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through electronic communication means pursuant to § 2.2-3708.2, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. Neither the gathering of employees of a public body nor the gathering or attendance of two or more members of a public body (a) at any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the public body, or (b) at a public forum, candidate appearance, or debate, the purpose of which is to inform the electorate and not to transact public business or to hold discussions relating to the transaction of public business, even though the performance of the members individually or collectively in the conduct of public business may be a topic of discussion or debate at such public meeting, shall be deemed a "meeting" subject to the provisions of this chapter.

"Open meeting" or "public meeting" means a meeting at which the public may be present.

"Public body" means any legislative body, authority, board, bureau, commission, district or agency of the Commonwealth or of any political subdivision of the Commonwealth, including cities, towns and counties, municipal councils, governing bodies of counties, school boards and planning commissions; governing boards of public institutions of higher education; and other organizations, corporations or agencies in the Commonwealth supported wholly or principally by public funds. It shall include (i) the Virginia Birth-Related Neurological Injury Compensation Program and its board of directors established pursuant to Chapter 50 (§ 38.2-5000 et seq.) of Title 38.2 and (ii) any committee, subcommittee, or other entity however designated, of the public body created to perform delegated functions of the public body or to advise the public body. It shall not exclude any such committee, subcommittee or entity because it has private sector or citizen members. Corporations organized by the Virginia Retirement System are "public bodies" for purposes of this chapter.

For the purposes of the provisions of this chapter applicable to access to public records, *the Office of Executive Secretary as defined in § 17.1-314*, constitutional officers, and private police departments as defined in § 9.1-101 shall be considered public bodies and, except as otherwise expressly provided by law, shall have the same obligations to disclose public records as other custodians of public records.

"Public records" means all writings and recordings that consist of letters, words or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business.

"Regional public body" means a unit of government organized as provided by law within defined

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59 boundaries, as determined by the General Assembly, which unit includes two or more localities.

60 "Scholastic records" means those records containing information directly related to a student or an
61 applicant for admission and maintained by a public body that is an educational agency or institution or
62 by a person acting for such agency or institution.

63 "Trade secret" means the same as that term is defined in the Uniform Trade Secrets Act (§ 59.1-336
64 et seq.).

65 **§ 2.2-3703. Public bodies and records to which chapter inapplicable; voter registration and**
66 **election records; access by persons incarcerated in a state, local, or federal correctional facility.**

67 A. The provisions of this chapter shall not apply to:

68 1. The Virginia Parole Board, except that (i) information from the Virginia Parole Board providing
69 the number of inmates considered by the Board for discretionary parole, the number of inmates granted
70 or denied parole, and the number of parolees returned to the custody of the Department of Corrections
71 solely as a result of a determination by the Board of a violation of parole shall be open to inspection
72 and available for release, on a monthly basis, as provided by § 2.2-3704; (ii) all guidance documents, as
73 defined in § 2.2-4101, shall be public records and subject to the provisions of this chapter; and (iii) all
74 records concerning the finances of the Virginia Parole Board shall be public records and subject to the
75 provisions of this chapter. The information required by clause (i) shall be furnished by offense, sex,
76 race, age of the inmate, and the locality in which the conviction was obtained, upon the request of the
77 party seeking the information. The information required by clause (ii) shall include all documents
78 establishing the policy of the Board or any change in or clarification of such policy with respect to
79 grant, denial, deferral, revocation, or supervision of parole or geriatric release or the process for
80 consideration thereof, and shall be clearly and conspicuously posted on the Board's website. However,
81 such information shall not include any portion of any document reflecting the application of any policy
82 or policy change or clarification of such policy to an individual inmate;

83 2. Petit juries and grand juries;

84 3. Family assessment and planning teams established pursuant to § 2.2-5207;

85 4. Sexual assault response teams established pursuant to § 15.2-1627.4, except that records relating
86 to (i) protocols and policies of the sexual assault response team and (ii) guidelines for the community's
87 response established by the sexual assault response team shall be public records and subject to the
88 provisions of this chapter;

89 5. Multidisciplinary child sexual abuse response teams established pursuant to § 15.2-1627.5;

90 6. The Virginia State Crime Commission; ~~and~~

91 7. The records maintained by the clerks of the courts of record, as defined in § 1-212, for which
92 clerks are custodians under § 17.1-242, and courts not of record, as defined in § 16.1-69.5, for which
93 clerks are custodians under § 16.1-69.54, including those transferred for storage, maintenance, or
94 archiving. Such records shall be requested in accordance with the provisions of §§ 16.1-69.54:1 and
95 17.1-208, as appropriate. However, other records maintained by the clerks of such courts shall be public
96 records and subject to the provisions of this chapter; *and*

97 8. *Judicial officers, including (i) commissioners in chancery appointed pursuant to § 8.01-607; (ii)*
98 *commissioners of accounts appointed pursuant to § 64.2-1200; and (iii) any justice, judge, or*
99 *magistrate, including (a) active, retired, and senior justices and judges of any court of record, as*
100 *defined in § 1-212, and any court not of record, as defined in § 16.1-69.5; (b) substitute judges*
101 *appointed pursuant to § 16.1-69.9:1; (c) special justices appointed pursuant to § 37.2-803; and (d)*
102 *judges pro tempore authorized under § 17.1-109. However, administrative records of such judicial*
103 *officers maintained by the Office of Executive Secretary, as defined in § 17.1-314, and unrelated to a*
104 *record created, collected, received, or maintained in connection with a particular case shall be public*
105 *records and subject to the provisions of this chapter.*

106 B. Public access to voter registration and election records shall be governed by the provisions of
107 Title 24.2 and this chapter. The provisions of Title 24.2 shall be controlling in the event of any conflict.

108 C. No provision of this chapter or Chapter 21 (§ 30-178 et seq.) of Title 30 shall be construed to
109 afford any rights to any person (i) incarcerated in a state, local or federal correctional facility, whether
110 or not such facility is (a) located in the Commonwealth or (b) operated pursuant to the Corrections
111 Private Management Act (§ 53.1-261 et seq.) or (ii) civilly committed pursuant to the Sexually Violent
112 Predators Act (§ 37.2-900 et seq.). However, this subsection shall not be construed to prevent such
113 persons from exercising their constitutionally protected rights, including, but not limited to, their right to
114 call for evidence in their favor in a criminal prosecution.

115 **§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain**
116 **other limited exclusions.**

117 The following information contained in a public record is excluded from the mandatory disclosure
118 provisions of this chapter but may be disclosed by the custodian in his discretion, except where such
119 disclosure is prohibited by law. Redaction of information excluded under this section from a public
120 record shall be conducted in accordance with § 2.2-3704.01.

1. State income, business, and estate tax returns, personal property tax returns, and confidential records held pursuant to § 58.1-3.

2. Working papers and correspondence of the Office of the Governor, the Lieutenant Governor, or the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the Clerks of the House of Delegates or the Senate of Virginia; the mayor or chief executive officer of any political subdivision of the Commonwealth; or the president or other chief executive officer of any public institution of higher education in the Commonwealth. However, no information that is otherwise open to inspection under this chapter shall be deemed excluded by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence. Further, information publicly available or not otherwise subject to an exclusion under this chapter or other provision of law that has been aggregated, combined, or changed in format without substantive analysis or revision shall not be deemed working papers. Nothing in this subdivision shall be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor pursuant to § 2.2-106 or 2.2-107.

As used in this subdivision:

"Members of the General Assembly" means each member of the Senate of Virginia and the House of Delegates and their legislative aides when working on behalf of such member.

"Office of the Governor" means the Governor; the Governor's chief of staff, counsel, director of policy, and Cabinet Secretaries; the Assistant to the Governor for Intergovernmental Affairs; and those individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.

"Working papers" means those records prepared by or for a public official identified in this subdivision for his personal or deliberative use.

3. Information contained in library records that can be used to identify (i) both (a) any library patron who has borrowed material from a library and (b) the material such patron borrowed or (ii) any library patron under 18 years of age. For the purposes of clause (ii), access shall not be denied to the parent, including a noncustodial parent, or guardian of such library patron.

4. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid Analysis and Monitoring Program.

5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.

6. Information furnished by a member of the General Assembly to a meeting of a standing committee, special committee, or subcommittee of his house established solely for the purpose of reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of formulating advisory opinions to members on standards of conduct, or both.

7. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money charged or paid for such utility service.

8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for housing assistance programs funded by local governments or by any such authority; or (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other local government agency concerning persons who have applied for occupancy or who have occupied affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's own information shall not be denied.

9. Information regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of such information would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions, and provisions of the siting agreement.

10. Information on the site-specific location of rare, threatened, endangered, or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archaeological sites if, in the opinion of the public body that has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This exclusion shall not apply to requests from the owner of the land upon which the resource is located.

11. Memoranda, graphics, video or audio tapes, production models, data, and information of a proprietary nature produced by or for or collected by or for the Virginia Lottery relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of

182 selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of
183 drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such
184 information not been publicly released, published, copyrighted, or patented. Whether released, published,
185 or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon
186 the first day of sales for the specific lottery game to which it pertains.

187 12. Information held by the Virginia Retirement System, acting pursuant to § 51.1-124.30, or a local
188 retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a
189 trust established by one or more local public bodies to invest funds for post-retirement benefits other
190 than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the
191 board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the board of
192 visitors of The College of William and Mary in Virginia, acting pursuant to § 23.1-2803, or by the
193 Virginia College Savings Plan, acting pursuant to § 23.1-704, relating to the acquisition, holding, or
194 disposition of a security or other ownership interest in an entity, where such security or ownership
195 interest is not traded on a governmentally regulated securities exchange, if disclosure of such
196 information would (i) reveal confidential analyses prepared for the board of visitors of the University of
197 Virginia, prepared for the board of visitors of The College of William and Mary in Virginia, prepared
198 by the retirement system, a local finance board or board of trustees, or the Virginia College Savings
199 Plan, or provided to the retirement system, a local finance board or board of trustees, or the Virginia
200 College Savings Plan under a promise of confidentiality of the future value of such ownership interest or
201 the future financial performance of the entity and (ii) have an adverse effect on the value of the
202 investment to be acquired, held, or disposed of by the retirement system, a local finance board or board
203 of trustees, the board of visitors of the University of Virginia, the board of visitors of The College of
204 William and Mary in Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be
205 construed to prevent the disclosure of information relating to the identity of any investment held, the
206 amount invested, or the present value of such investment.

207 13. Financial, medical, rehabilitative, and other personal information concerning applicants for or
208 recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority
209 under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

210 14. Information held by the Virginia Commonwealth University Health System Authority pertaining
211 to any of the following: an individual's qualifications for or continued membership on its medical or
212 teaching staffs; proprietary information gathered by or in the possession of the Authority from third
213 parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in
214 awarding contracts for construction or the purchase of goods or services; information of a proprietary
215 nature produced or collected by or for the Authority or members of its medical or teaching staffs;
216 financial statements not publicly available that may be filed with the Authority from third parties; the
217 identity, accounts, or account status of any customer of the Authority; consulting or other reports paid
218 for by the Authority to assist the Authority in connection with its strategic planning and goals; the
219 determination of marketing and operational strategies where disclosure of such strategies would be
220 harmful to the competitive position of the Authority; and information of a proprietary nature produced
221 or collected by or for employees of the Authority, other than the Authority's financial or administrative
222 records, in the conduct of or as a result of study or research on medical, scientific, technical, or
223 scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body
224 or a private concern, when such information has not been publicly released, published, copyrighted, or
225 patented. This exclusion shall also apply when such information is in the possession of Virginia
226 Commonwealth University.

227 15. Information held by the Department of Environmental Quality, the State Water Control Board,
228 the State Air Pollution Control Board, or the Virginia Waste Management Board relating to (i) active
229 federal environmental enforcement actions that are considered confidential under federal law and (ii)
230 enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such
231 information shall be disclosed after a proposed sanction resulting from the investigation has been
232 proposed to the director of the agency. This subdivision shall not be construed to prevent the disclosure
233 of information related to inspection reports, notices of violation, and documents detailing the nature of
234 any environmental contamination that may have occurred or similar documents.

235 16. Information related to the operation of toll facilities that identifies an individual, vehicle, or travel
236 itinerary, including vehicle identification data or vehicle enforcement system information; video or
237 photographic images; Social Security or other identification numbers appearing on driver's licenses;
238 credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll
239 facility use.

240 17. Information held by the Virginia Lottery pertaining to (i) the social security number, tax
241 identification number, state sales tax number, home address and telephone number, personal and lottery
242 banking account and transit numbers of a retailer, and financial information regarding the nonlottery
243 operations of specific retail locations and (ii) individual lottery winners, except that a winner's name,

hometown, and amount won shall be disclosed. If the value of the prize won by the winner exceeds \$10 million, the information described in clause (ii) shall not be disclosed unless the winner consents in writing to such disclosure.

18. Information held by the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.

19. (Effective until October 1, 2019) Information pertaining to the planning, scheduling, and performance of examinations of holder records pursuant to the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.) prepared by or for the State Treasurer or his agents or employees or persons employed to perform an audit or examination of holder records.

19. (Effective October 1, 2019) Information pertaining to the planning, scheduling, and performance of examinations of holder records pursuant to the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.) prepared by or for the State Treasurer or his agents or employees or persons employed to perform an audit or examination of holder records.

20. Information held by the Virginia Department of Emergency Management or a local governing body relating to citizen emergency response teams established pursuant to an ordinance of a local governing body that reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of an individual participant in the program.

21. Information held by state or local park and recreation departments and local and regional park authorities concerning identifiable individuals under the age of 18 years. However, nothing in this subdivision shall operate to prevent the disclosure of information defined as directory information under regulations implementing the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For such information of persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of the information may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such information for inspection and copying.

22. Information submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management that reveal names, physical addresses, email addresses, computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable communications device information, or operating schedules of individuals or agencies, where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

23. Information held by the Judicial Inquiry and Review Commission made confidential by § 17.1-913.

24. Information held by the Virginia Retirement System acting pursuant to § 51.1-124.30, a local retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system), or the Virginia College Savings Plan, acting pursuant to § 23.1-704 relating to:

a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings Plan on the pursuit of particular investment strategies, or the selection or termination of investment managers, prior to the execution of such investment strategies or the selection or termination of such managers, if disclosure of such information would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan; and

b. Trade secrets provided by a private entity to the retirement system or the Virginia College Savings Plan if disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan.

For the records specified in subdivision b to be excluded from the provisions of this chapter, the entity shall make a written request to the retirement system or the Virginia College Savings Plan:

(1) Invoking such exclusion prior to or upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The retirement system or the Virginia College Savings Plan shall determine whether the requested exclusion from disclosure meets the requirements set forth in subdivision b.

Nothing in this subdivision shall be construed to prevent the disclosure of the identity or amount of any investment held or the present value and performance of all asset classes and subclasses.

25. Information held by the Department of Corrections made confidential by § 53.1-233.

26. Information maintained by the Department of the Treasury or participants in the Local Government Investment Pool (§ 2.2-4600 et seq.) and required to be provided by such participants to the

305 Department to establish accounts in accordance with § 2.2-4602.

306 27. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident
307 Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers,
308 except that access shall not be denied to the person who is the subject of the information.

309 28. Information maintained in connection with fundraising activities by the Veterans Services
310 Foundation pursuant to § 2.2-2716 that reveal the address, electronic mail address, facsimile or telephone
311 number, social security number or other identification number appearing on a driver's license, or credit
312 card or bank account data of identifiable donors, except that access shall not be denied to the person
313 who is the subject of the information. Nothing in this subdivision, however, shall be construed to
314 prevent the disclosure of information relating to the amount, date, purpose, and terms of the pledge or
315 donation or the identity of the donor, unless the donor has requested anonymity in connection with or as
316 a condition of making a pledge or donation. The exclusion provided by this subdivision shall not apply
317 to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the
318 foundation for the performance of services or other work or (ii) the terms and conditions of such grants
319 or contracts.

320 29. Information prepared for and utilized by the Commonwealth's Attorneys' Services Council in the
321 training of state prosecutors or law-enforcement personnel, where such information is not otherwise
322 available to the public and the disclosure of such information would reveal confidential strategies,
323 methods, or procedures to be employed in law-enforcement activities or materials created for the
324 investigation and prosecution of a criminal case.

325 30. Information provided to the Department of Aviation by other entities of the Commonwealth in
326 connection with the operation of aircraft where the information would not be subject to disclosure by the
327 entity providing the information. The entity providing the information to the Department of Aviation
328 shall identify the specific information to be protected and the applicable provision of this chapter that
329 excludes the information from mandatory disclosure.

330 31. Information created or maintained by or on the behalf of the judicial performance evaluation
331 program related to an evaluation of any individual justice or judge made confidential by § 17.1-100.

332 32. Information reflecting the substance of meetings in which (i) individual sexual assault cases are
333 discussed by any sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child
334 abuse or neglect cases or sex offenses involving a child are discussed by multidisciplinary child sexual
335 abuse response teams established pursuant to § 15.2-1627.5, or (iii) individual cases of abuse, neglect,
336 or exploitation of adults as defined in § 63.2-1603 are discussed by multidisciplinary teams established
337 pursuant to §§ 15.2-1627.5 and 63.2-1605. The findings of any such team may be disclosed or published
338 in statistical or other aggregated form that does not disclose the identity of specific individuals.

339 33. Information contained in the strategic plan, marketing plan, or operational plan prepared by the
340 Virginia Economic Development Partnership Authority pursuant to § 2.2-2237.1 regarding target
341 companies, specific allocation of resources and staff for marketing activities, and specific marketing
342 activities that would reveal to the Commonwealth's competitors for economic development projects the
343 strategies intended to be deployed by the Commonwealth, thereby adversely affecting the financial
344 interest of the Commonwealth. The executive summaries of the strategic plan, marketing plan, and
345 operational plan shall not be redacted or withheld pursuant to this subdivision.

346 34. Information discussed in a closed session of the Physical Therapy Compact Commission or the
347 Executive Board or other committees of the Commission for purposes set forth in subsection E of
348 § 54.1-3491.

349 35. *Information created or maintained on behalf of judicial officers, as described in subdivision A 8*
350 *of § 2.2-3703, related to their deliberations and correspondence on specific cases. Nothing in this*
351 *subdivision shall be construed to prevent the disclosure of aggregated case information.*

352 **§ 17.1-315. Duties of Executive Secretary.**

353 The Executive Secretary to the Supreme Court shall have the following duties:

354 1. He shall be the Secretary of the Judicial Council;

355 2. He shall be the Secretary of the Judicial Conference;

356 3. He shall assist the Chief Justice and the Supreme Court in the administration of the judicial branch
357 of the government to the end that litigation may be expedited and the administration of justice improved
358 in the courts of the Commonwealth; and

359 4. *He shall be custodian of records of administrative functions performed by persons employed by*
360 *him or acting under his direction and of aggregated data regarding Virginia courts that may be*
361 *obtained from systems maintained by his office; and*

362 5. He shall have such other duties as may be required of him by the Chief Justice or by the Supreme
363 Court in the performance of the administrative functions of that Court.

364 2. That the Supreme Court of Virginia shall revise the rules of practice and procedure as
365 necessary to comply with the provisions of this act.