

Department of Planning and Budget 2022 Fiscal Impact Statement

1. **Bill Number:** SB324ES2

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. **Patron:** Vogel

3. **Committee:** General Laws and Technology

4. **Title:** Public agencies; privacy of personal information.

5. **Summary:** Provides that public agencies shall not request personal information, defined in the bill. The bill amends the Virginia Freedom of Information Act definition of "public record" to exclude personal information. The bill also exempts the Campaign Finance Disclosure Act of 2006 from the requirements that public agencies protect personal information and refrain from requesting personal information.

6. **Budget Amendment Necessary:** See item 8.

7. **Fiscal Impact Estimates:** See item 8.

8. **Fiscal Implications:** The fiscal impact of this legislation is indeterminate.

This bill also makes it a violation of law to disclose personal information without express written permission. Violations result in civil liability and the complainant may be awarded the costs of litigation, attorney's fees and witness fees. The fiscal impact of these costs is indeterminate.

Anyone who knowingly violates this law is guilty of a misdemeanor and subject to a sentence of up to 90 days in jail, fine of not more than \$1,000, or both.

There is not enough information available to reliably estimate the increase in jail population as a result of this proposal. However, any increase in jail population will increase costs to the state. The Commonwealth currently pays the localities \$4.00 a day for each misdemeanant or otherwise local-responsible prisoner held in a jail. It also funds a large portion of the jails' operating costs, e.g. correctional officers. The state's share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board's most recent Jail Cost Report (November 2021), the estimated total state support for local jails averaged \$37.58 per inmate, per day in FY 2020.

9. **Specific Agency or Political Subdivisions Affected:** All state agencies and other public bodies covered by the Virginia Freedom of Information Act.

10. Technical Amendment Necessary: No

11. Other Comments: Companion to HB970.