

LD7189316

## HOUSE BILL NO. 1786

House Amendments in [ ] — February 6, 1995

A BILL to amend and reenact §§ 2.1-342 and 2.1-343 of the Code of Virginia, relating to the Freedom of Information Act; disclosure of agendas.

Patrons—Katzen, Griffith, Marshall, Wardrup and Wilkins

Referred to Committee on General Laws

**Be it enacted by the General Assembly of Virginia:****1. That §§ 2.1-342 and 2.1-343 of the Code of Virginia are amended and reenacted as follows:**

§ 2.1-342. Official records to be open to inspection; procedure for requesting records and responding to request; charges; exceptions to application of chapter.

A. Except as otherwise specifically provided by law, all official records shall be open to inspection and copying by any citizens of ~~this~~ the Commonwealth during the regular office hours of the custodian of such records. Access to such records shall not be denied to citizens of ~~this~~ the Commonwealth, representatives of newspapers and magazines with circulation in ~~this~~ the Commonwealth, and representatives of radio and television stations broadcasting in or into ~~this~~ the Commonwealth. The custodian of such records shall take all necessary precautions for their preservation and safekeeping. Any public body covered under the provisions of this chapter shall make an initial response to citizens requesting records open to inspection within five work days after the receipt of the request by the public body which is the custodian of the requested records. Such citizen request shall designate the requested records with reasonable specificity. A specific reference to this chapter by the requesting citizen in his request shall not be necessary to invoke the provisions of this chapter and the time limits for response by the public body. The response by the public body within such five work days shall be one of the following responses:

1. The requested records shall be provided to the requesting citizen.

2. If the public body determines that an exemption applies to all of the requested records, it may refuse to release such records and provide to the requesting citizen a written explanation as to why the records are not available with the explanation making specific reference to the applicable Code sections which make the requested records exempt.

3. If the public body determines that an exemption applies to a portion of the requested records, it may delete or excise that portion of the records to which an exemption applies, *but shall* disclose the remainder of the requested records and provide to the requesting citizen a written explanation as to why these portions of the record are not available to the requesting citizen with the explanation making specific reference to the applicable Code sections which make that portion of the requested records exempt. Any reasonably segregatable portion of an official record shall be provided to any person requesting the record after the deletion of the exempt portion.

4. If the public body determines that it is practically impossible to provide the requested records or to determine whether they are available within the five-work-day period, the public body shall so inform the requesting citizen and shall have an additional seven work days in which to provide one of the three preceding responses.

Nothing in this section shall prohibit any public body from petitioning the appropriate court for additional time to respond to a request for records when the request is for an extraordinary volume of records and a response by the public body within the time required by this chapter will prevent the public body from meeting its operational responsibilities. Before proceeding with this petition, however, the public body shall make reasonable efforts to reach an agreement with the requester concerning the production of the records requested.

The public body may make reasonable charges for the copying, search time and computer time expended in the supplying of such records; however, such charges shall not exceed the actual cost to the public body in supplying such records, except that the public body may charge, on a pro rata per acre basis, for the cost of creating topographical maps developed by the public body, for such maps or portions thereof, which encompass a contiguous area greater than fifty acres. Such charges for the supplying of requested records shall be estimated in advance at the request of the citizen. The public body may require the advance payment of charges which are subject to advance determination.

In any case where a public body determines in advance that search and copying charges for producing the requested documents are likely to exceed \$200, the public body may, before continuing to process the request, require the citizen requesting the information to agree to payment of an amount not to exceed the advance determination by five percent. The period within which the public body must

ENGROSSED

HB1786E

60 respond under this section shall be tolled for the amount of time that elapses between notice of the  
61 advance determination and the response of the citizen requesting the information.

62 Official records maintained by a public body on a computer or other electronic data processing  
63 system which are available to the public under the provisions of this chapter shall be made reasonably  
64 accessible to the public at reasonable cost.

65 Public bodies shall not be required to create or prepare a particular requested record if it does not  
66 already exist. Public bodies may, but shall not be required to, abstract or summarize information from  
67 official records or convert an official record available in one form into another form at the request of  
68 the citizen. The public body shall make reasonable efforts to reach an agreement with the requester  
69 concerning the production of the records requested.

70 Failure to make any response to a request for records shall be a violation of this chapter and deemed  
71 a denial of the request.

72 B. The following records are excluded from the provisions of this chapter but may be disclosed by  
73 the custodian in his discretion, except where such disclosure is prohibited by law:

74 1. Memoranda, correspondence, evidence and complaints related to criminal investigations; adult  
75 arrestee photographs when necessary to avoid jeopardizing an investigation in felony cases until such  
76 time as the release of such photograph will no longer jeopardize the investigation; reports submitted to  
77 the state and local police, to investigators authorized pursuant to § 53.1-16 and to the campus police  
78 departments of public institutions of higher education as established by Chapter 17 (§ 23-232 et seq.) of  
79 Title 23 in confidence; portions of records of local government crime commissions that would identify  
80 individuals providing information about crimes or criminal activities under a promise of anonymity;  
81 records of local police departments relating to neighborhood watch programs that include the names,  
82 addresses, and operating schedules of individual participants in the program that are provided to such  
83 departments under a promise of confidentiality; and all records of persons imprisoned in penal  
84 institutions in ~~this~~ the Commonwealth provided such records relate to the imprisonment. Information in  
85 the custody of law-enforcement officials relative to the identity of any individual other than a juvenile  
86 who is arrested and charged, and the status of the charge or arrest, shall not be excluded from the  
87 provisions of this chapter.

88 Criminal incident information relating to felony offenses shall not be excluded from the provisions of  
89 this chapter; however, where the release of criminal incident information is likely to jeopardize an  
90 ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection,  
91 or result in the destruction of evidence, such information may be withheld until the above-referenced  
92 damage is no longer likely to occur from release of the information.

93 2. Confidential records of all investigations of applications for licenses and permits, and all licensees  
94 and permittees made by or submitted to the Alcoholic Beverage Control Board, the State Lottery  
95 Department or the Virginia Racing Commission.

96 3. State income, business, and estate tax returns, personal property tax returns, scholastic records and  
97 personnel records containing information concerning identifiable individuals, except that such access  
98 shall not be denied to the person who is the subject thereof, and medical and mental records, except that  
99 such records can be personally reviewed by the subject person or a physician of the subject person's  
100 choice; however, the subject person's mental records may not be personally reviewed by such person  
101 when the subject person's treating physician has made a part of such person's records a written statement  
102 that in his opinion a review of such records by the subject person would be injurious to the subject  
103 person's physical or mental health or well-being.

104 Where the person who is the subject of medical records is confined in a state or local correctional  
105 facility, the administrator or chief medical officer of such facility may assert such confined person's right  
106 of access to the medical records if the administrator or chief medical officer has reasonable cause to  
107 believe that such confined person has an infectious disease or other medical condition from which other  
108 persons so confined need to be protected. Medical records shall be reviewed only and shall not be  
109 copied by such administrator or chief medical officer. The information in the medical records of a  
110 person so confined shall continue to be confidential and shall not be disclosed to any person except the  
111 subject by the administrator or chief medical officer of the facility or except as provided by law.

112 For the purposes of this chapter such statistical summaries of incidents and statistical data concerning  
113 patient abuse as may be compiled by the Commissioner of the Department of Mental Health, Mental  
114 Retardation and Substance Abuse Services shall be open to inspection and releasable as provided in  
115 subsection A of this section. No such summaries or data shall include any patient-identifying  
116 information. Where the person who is the subject of scholastic or medical and mental records is under  
117 the age of eighteen, his right of access may be asserted only by his guardian or his parent, including a  
118 noncustodial parent, unless such parent's parental rights have been terminated or a court of competent  
119 jurisdiction has restricted or denied such access. In instances where the person who is the subject thereof  
120 is an emancipated minor or a student in a state-supported institution of higher education, such right of  
121 access may be asserted by the subject person.

4. Memoranda, working papers and correspondence (i) held by or requested from members of the General Assembly or the Division of Legislative Services or (ii) held or requested by the office of the Governor or Lieutenant Governor, Attorney General or the mayor or other chief executive officer of any political subdivision of the Commonwealth or the president or other chief executive officer of any state-supported institution of higher education. This exclusion shall not apply to memoranda, studies or other papers held or requested by the mayor or other chief executive officer of any political subdivision which are specifically concerned with the evaluation of performance of the duties and functions of any locally elected official and were prepared after June 30, 1992, *nor shall this exclusion apply to agenda packets prepared and distributed to public bodies for use at a meeting.*

Except as provided in § 30-28.18, memoranda, working papers and correspondence of a member of the General Assembly held by the Division of Legislative Services shall not be released by the Division without the prior consent of the member.

5. Written opinions of the city, county and town attorneys of the cities, counties and towns in the Commonwealth and any other writing protected by the attorney-client privilege.

6. Memoranda, working papers and records compiled specifically for use in litigation or as a part of an active administrative investigation concerning a matter which is properly the subject of an executive or closed meeting under § 2.1-344 and material furnished in confidence with respect thereto.

7. Confidential letters and statements of recommendation placed in the records of educational agencies or institutions respecting (i) admission to any educational agency or institution, (ii) an application for employment, or (iii) receipt of an honor or honorary recognition.

8. Library records which can be used to identify both (i) any library patron who has borrowed material from a library and (ii) the material such patron borrowed.

9. Any test or examination used, administered or prepared by any public body for purposes of evaluation of (i) any student or any student's performance, (ii) any employee or employment seeker's qualifications or aptitude for employment, retention, or promotion, or (iii) qualifications for any license or certificate issued by any public body.

As used in this subdivision 9, "test or examination" shall include (i) any scoring key for any such test or examination, and (ii) any other document which would jeopardize the security of such test or examination. Nothing contained in this subdivision 9 shall prohibit the release of test scores or results as provided by law, or limit access to individual records as is provided by law. However, the subject of such employment tests shall be entitled to review and inspect all documents relative to his performance on such employment tests.

When, in the reasonable opinion of such public body, any such test or examination no longer has any potential for future use, and the security of future tests or examinations will not be jeopardized, such test or examination shall be made available to the public. However, minimum competency tests administered to public school children shall be made available to the public contemporaneously with statewide release of the scores of those taking such tests, but in no event shall such tests be made available to the public later than six months after the administration of such tests.

10. Applications for admission to examinations or for licensure and scoring records maintained by the Department of Health Professions or any board in that department on individual licensees or applicants. However, such material may be made available during normal working hours for copying, at the requester's expense, by the individual who is the subject thereof, in the offices of the Department of Health Professions or in the offices of any health regulatory board, whichever may possess the material.

11. Records of active investigations being conducted by the Department of Health Professions or by any health regulatory board in the Commonwealth.

12. Memoranda, legal opinions, working papers and records recorded in or compiled exclusively for executive or closed meetings lawfully held pursuant to § 2.1-344.

13. Reports, documentary evidence and other information as specified in §§ 2.1-373.2 and 63.1-55.4.

14. Proprietary information gathered by or for the Virginia Port Authority as provided in § 62.1-132.4 or § 62.1-134.1.

15. 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, documents and automated systems prepared for the Department's Bid Analysis and Monitoring Program.

16. Vendor proprietary information software which may be in the official records of a public body. For the purpose of this section, "vendor proprietary software" means computer programs acquired from a vendor for purposes of processing data for agencies or political subdivisions of ~~this~~ *the* Commonwealth.

17. Data, records or information of a proprietary nature produced or collected by or for faculty or staff of state institutions of higher learning, other than the institutions' financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical or scholarly issues, whether sponsored by the institution alone or in conjunction with a governmental body or a private concern, where such data, records or information has not been publicly released, published,

183 copyrighted or patented.

184 18. Financial statements not publicly available filed with applications for industrial development  
185 financings.

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

189 20. Confidential proprietary records, voluntarily provided by private business pursuant to a promise  
190 of confidentiality from the Department of Economic Development or local industrial or economic  
191 development authorities or organizations, used by the Department and such entities for business, trade  
192 and tourism development.

193 21. Information which was filed as confidential under the Toxic Substances Information Act  
194 (§ 32.1-239 et seq.), as such Act existed prior to July 1, 1992.

195 22. Documents as specified in § 58.1-3.

196 23. Confidential records, including victim identity, provided to or obtained by staff in a rape crisis  
197 center or a program for battered spouses.

198 24. Computer software developed by or for a state agency, state-supported institution of higher  
199 education or political subdivision of the Commonwealth.

200 25. Investigator notes, and other correspondence and information, furnished in confidence with  
201 respect to an active investigation of individual employment discrimination complaints made to the  
202 Department of Personnel and Training; however, nothing in this section shall prohibit the disclosure of  
203 information taken from inactive reports in a form which does not reveal the identity of charging parties,  
204 persons supplying the information or other individuals involved in the investigation.

205 26. Fisheries data which would permit identification of any person or vessel, except when required  
206 by court order as specified in § 28.2-204.

207 27. Records of active investigations being conducted by the Department of Medical Assistance  
208 Services pursuant to Chapter 10 (§ 32.1-323 et seq.) of Title 32.1.

209 28. Documents and writings furnished by a member of the General Assembly to a meeting of a  
210 standing committee, special committee or subcommittee of his house established solely for the purpose  
211 of reviewing members' annual disclosure statements and supporting materials filed under § 2.1-639.40 or  
212 of formulating advisory opinions to members on standards of conduct, or both.

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

216 30. Investigative notes and other correspondence and information furnished in confidence with  
217 respect to an investigation or conciliation process involving an alleged unlawful discriminatory practice  
218 under the Virginia Human Rights Act (§ 2.1-714 et seq.); however, nothing in this section shall prohibit  
219 the distribution of information taken from inactive reports in a form which does not reveal the identity  
220 of the parties involved or other persons supplying information.

221 31. Investigative notes; proprietary information not published, copyrighted or patented; information  
222 obtained from employee personnel records; personally identifiable information regarding residents,  
223 clients or other recipients of services; and other correspondence and information furnished in confidence  
224 to the Department of Social Services in connection with an active investigation of an applicant or  
225 licensee pursuant to Chapters 9 (§ 63.1-172 et seq.) and 10 (§ 63.1-195 et seq.) of Title 63.1; however,  
226 nothing in this section shall prohibit disclosure of information from the records of completed  
227 investigations in a form that does not reveal the identity of complainants, persons supplying information,  
228 or other individuals involved in the investigation.

229 32. Reports, manuals, specifications, documents, minutes or recordings of staff meetings or other  
230 information or materials of the Virginia Board of Corrections, the Virginia Department of Corrections or  
231 any institution thereof to the extent, as determined by the Director of the Department of Corrections or  
232 his designee or of the Virginia Board of Youth and Family Services, the Virginia Department of Youth  
233 and Family Services or any facility thereof to the extent as determined by the Director of the  
234 Department of Youth and Family Services, or his designee, that disclosure or public dissemination of  
235 such materials would jeopardize the security of any correctional or juvenile facility or institution, as  
236 follows:

237 (i) Security manuals, including emergency plans that are a part thereof;

238 (ii) Engineering and architectural drawings of correctional and juvenile facilities, and operational  
239 specifications of security systems utilized by the Departments, provided the general descriptions of such  
240 security systems, cost and quality shall be made available to the public;

241 (iii) Training manuals designed for correctional and juvenile facilities to the extent that they address  
242 procedures for institutional security, emergency plans and security equipment;

243 (iv) Internal security audits of correctional and juvenile facilities, but only to the extent that they  
244 specifically disclose matters described in (i), (ii), or (iii) above or other specific operational details the

disclosure of which would jeopardize the security of a correctional or juvenile facility or institution;

(v) Minutes or recordings of divisional, regional and institutional staff meetings or portions thereof to the extent that such minutes deal with security issues listed in (i), (ii), (iii), and (iv) of this subdivision;

(vi) Investigative case files by investigators authorized pursuant to § 53.1-16; however, nothing in this section shall prohibit the disclosure of information taken from inactive reports in a form which does not reveal the identity of complainants or charging parties, persons supplying information, confidential sources, or other individuals involved in the investigation, or other specific operational details the disclosure of which would jeopardize the security of a correctional or juvenile facility or institution; nothing herein shall permit the disclosure of materials otherwise exempt as set forth in subdivision 1 of subsection B of this section;

(vii) Logs or other documents containing information on movement of inmates, juvenile clients or employees; and

(viii) Documents disclosing contacts between inmates, juvenile clients and law-enforcement personnel.

Notwithstanding the provisions of this subdivision, reports and information regarding the general operations of the Departments, including notice that an escape has occurred, shall be open to inspection and copying as provided in this section.

33. Personal information, as defined in § 2.1-379, (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, or (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. However, access to one's own information shall not be denied.

34. Documents regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of them 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.

35. Appraisals and cost estimates of real property subject to a proposed purchase, sale or lease, prior to the completion of such purchase, sale or lease.

36. Records containing 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 which has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This exemption shall not apply to requests from the owner of the land upon which the resource is located.

37. Official records, memoranda, working papers, graphics, video or audio tapes, production models, data and information of a proprietary nature produced by or for or collected by or for the State Lottery Department relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such official records have not been publicly released, published, copyrighted or patented. Whether released, published or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game to which it pertains.

38. Official records of studies and investigations by the State Lottery Department of (i) lottery agents, (ii) lottery vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the law or regulations which cause abuses in the administration and operation of the lottery and any evasions of such provisions, or (v) use of the lottery as a subterfuge for organized crime and illegal gambling where such official records have not been publicly released, published or copyrighted. All studies and investigations referred to under subdivisions (iii), (iv) and (v) shall be subject to public disclosure under this chapter upon completion of the study or investigation.

39. Those portions of engineering and construction drawings and plans submitted for the sole purpose of complying with the building code in obtaining a building permit which would identify specific trade secrets or other information the disclosure of which would be harmful to the competitive position of the owner or lessee; however, such information shall be exempt only until the building is completed. Information relating to the safety or environmental soundness of any building shall not be exempt from disclosure.

40. [Repealed.]

41. Records concerning reserves established in specific claims administered by the Department of General Services through its Division of Risk Management as provided in Article 5.1 (§ 2.1-526.1 et

306 seq.) of Chapter 32 of this title, or by any county, city, or town.

307 42. Information and records collected for the designation and verification of trauma centers and other  
308 specialty care centers within the Statewide Emergency Medical Care System pursuant to § 32.1-112.

309 43. Reports and court documents required to be kept confidential pursuant to § 37.1-67.3.

310 44. [Repealed.]

311 45. Investigative notes; correspondence and information furnished in confidence with respect to an  
312 investigation; and official records otherwise exempted by this chapter or any Virginia statute, provided  
313 to or produced by or for the Auditor of Public Accounts and the Joint Legislative Audit and Review  
314 Commission; or investigative notes, correspondence, documentation and information furnished and  
315 provided to or produced by or for the Department of the State Internal Auditor with respect to an  
316 investigation initiated through the State Employee Fraud, Waste and Abuse Hotline; however, nothing in  
317 this chapter shall prohibit disclosure of information from the records of completed investigations in a  
318 form that does not reveal the identity of complainants, persons supplying information or other  
319 individuals involved in the investigation.

320 46. Data formerly required to be submitted to the Commissioner of Health relating to the  
321 establishment of new or expansion of existing clinical health services, acquisition of major medical  
322 equipment, or certain projects requiring capital expenditures pursuant to former § 32.1-102.3:4.

323 47. Documentation or other information which describes the design, function, operation or access  
324 control features of any security system, whether manual or automated, which is used to control access to  
325 or use of any automated data processing or telecommunications system.

326 48. Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections  
327 provided to the Department of Rail and Public Transportation, provided such information is exempt  
328 under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws  
329 administered by the Interstate Commerce Commission or the Federal Rail Administration with respect to  
330 data provided in confidence to the Interstate Commerce Commission and the Federal Railroad  
331 Administration.

332 49. In the case of corporations organized by the Virginia Retirement System, RF&P Corporation and  
333 its wholly owned subsidiaries, (i) proprietary information provided by, and financial information  
334 concerning, coventurers, partners, lessors, lessees, or investors, and (ii) records concerning the condition,  
335 acquisition, disposition, use, leasing, development, coventuring, or management of real estate the  
336 disclosure of which would have a substantial adverse impact on the value of such real estate or result in  
337 a competitive disadvantage to the corporation or subsidiary.

338 50. Confidential proprietary records related to inventory and sales, voluntarily provided by private  
339 energy suppliers to the Department of Mines, Minerals and Energy, used by that Department for energy  
340 contingency planning purposes or for developing consolidated statistical information on energy supplies.

341 51. Confidential proprietary information furnished to the Board of Medical Assistance Services or the  
342 Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§ 32.1-331.12 et seq.) of  
343 Chapter 10 of Title 32.1.

344 52. Patient level data collected by the Virginia Health Services Cost Review Council and not yet  
345 processed, verified, and released, pursuant to § 9-166.7, to the Council by the nonprofit organization  
346 with which the Executive Director has contracted pursuant to § 9-166.4.

347 53. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue and  
348 cost projections provided by a private transportation business to the Virginia Department of  
349 Transportation and the Department of Rail and Public Transportation for the purpose of conducting  
350 transportation studies needed to obtain grants or other financial assistance under the Intermodal Surface  
351 Transportation Efficiency Act of 1991 (P.L. 102-240) for transportation projects, provided such  
352 information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce  
353 Act or other laws administered by the Interstate Commerce Commission or the Federal Rail  
354 Administration with respect to data provided in confidence to the Interstate Commerce Commission and  
355 the Federal Railroad Administration. However, the exemption provided by this subdivision shall not  
356 apply to any wholly owned subsidiary of a public body.

357 54. Names and addresses of subscribers to Virginia Wildlife magazine, published by the Department  
358 of Game and Inland Fisheries, provided the individual subscriber has requested in writing that the  
359 Department not release such information.

360 55. Reports, documents, memoranda or other information or materials which describe any aspect of  
361 security used by the Virginia Museum of Fine Arts to the extent that disclosure or public dissemination  
362 of such materials would jeopardize the security of the Museum or any warehouse controlled by the  
363 Museum, as follows:

364 a. Operational, procedural or tactical planning documents, including any training manuals to the  
365 extent they discuss security measures;

366 b. Surveillance techniques;

367 c. Installation, operation, or utilization of any alarm technology;

368 d. Engineering and architectural drawings of the Museum or any warehouse;  
 369 e. Transportation of the Museum's collections, including routes and schedules; or  
 370 f. Operation of the Museum or any warehouse used by the Museum involving the:  
 371 (1) Number of employees, including security guards, present at any time; or  
 372 (2) Busiest hours, with the maximum number of visitors in the Museum.  
 373 56. Reports, documents, memoranda or other information or materials which describe any aspect of  
 374 security used by the Virginia Department of Alcoholic Beverage Control to the extent that disclosure or  
 375 public dissemination of such materials would jeopardize the security of any government store as defined  
 376 in Title 4.1, or warehouse controlled by the Department of Alcoholic Beverage Control, as follows:  
 377 (i) Operational, procedural or tactical planning documents, including any training manuals to the  
 378 extent they discuss security measures;  
 379 (ii) Surveillance techniques;  
 380 (iii) The installation, operation, or utilization of any alarm technology;  
 381 (iv) Engineering and architectural drawings of such government stores or warehouses;  
 382 (v) The transportation of merchandise, including routes and schedules; and  
 383 (vi) The operation of any government store or the central warehouse used by the Department of  
 384 Alcoholic Beverage Control involving the:  
 385 a. Number of employees present during each shift;  
 386 b. Busiest hours, with the maximum number of customers in such government store; and  
 387 c. Banking system used, including time and place of deposits.  
 388 57. Information required to be provided pursuant to § 54.1-2506.1.  
 389 58. (Effective July 1, 1995) Confidential information designated as provided in subsection D of  
 390 § 11-52 as trade secrets or proprietary information by any person who has submitted to a public body an  
 391 application for prequalification to bid on public construction projects in accordance with subsection B of  
 392 § 11-46.  
 393 C. Neither any provision of this chapter nor any provision of Chapter 26 (§ 2.1-377 et seq.) of this  
 394 title shall be construed as denying public access to contracts between a public official and a public  
 395 body, other than contracts settling public employee employment disputes held confidential as personnel  
 396 records under subdivision 3 of subsection B of this section, or to records of the position, job  
 397 classification, official salary or rate of pay of, and to records of the allowances or reimbursements for  
 398 expenses paid to, any public officer, official or employee at any level of state, local or regional  
 399 government in ~~this~~ the Commonwealth or to the compensation or benefits paid by any corporation  
 400 organized by the Virginia Retirement System, RF&P Corporation and its wholly owned subsidiaries, to  
 401 their officers or employees. The provisions of this subsection, however, shall not apply to records of the  
 402 official salaries or rates of pay of public employees whose annual rate of pay is \$10,000 or less.  
 403 § 2.1-343. Meetings to be public; notice of meetings; recordings; minutes; voting.  
 404 Except as otherwise specifically provided by law and except as provided in §§ 2.1-344 and 2.1-345,  
 405 all meetings of public bodies shall be public meetings, including meetings and work sessions during  
 406 which no votes are cast or any decisions made. Notice including the time, date and place of each  
 407 meeting shall be furnished to any citizen of ~~this~~ the Commonwealth who requests such information.  
 408 Notices for meetings of public bodies of the Commonwealth on which there is at least one member  
 409 appointed by the Governor shall state whether or not public comment will be received at the meeting,  
 410 and, if so, the approximate points during the meeting public comment will be received. Requests to be  
 411 notified on a continual basis shall be made at least once a year in writing and include name, address, zip  
 412 code and organization of the requester. Notice, reasonable under the circumstance, of special or  
 413 emergency meetings shall be given contemporaneously with the notice provided members of the public  
 414 body conducting the meeting.  
 415 [ ~~Copies~~ Unless otherwise exempt, at least one copy ] of all agenda packets and materials furnished  
 416 to members of a public body for a meeting shall be made available [ ~~to~~ for inspection by ] the public at  
 417 the same time such documents are furnished to the members of the public body.  
 418 Any person may photograph, film, record or otherwise reproduce any portion of a meeting required  
 419 to be open. The public body conducting the meeting may adopt rules governing the placement and use  
 420 of equipment necessary for broadcasting, photographing, filming or recording a meeting to prevent  
 421 interference with the proceedings.  
 422 Voting by secret or written ballot in an open meeting shall be a violation of this chapter.  
 423 Minutes shall be recorded at all public meetings. However, minutes shall not be required to be taken  
 424 at deliberations of (i) standing and other committees of the General Assembly, (ii) legislative interim  
 425 study commissions and committees, including the Virginia Code Commission, (iii) study committees or  
 426 commissions appointed by the Governor, or (iv) study commissions or study committees, or any other  
 427 committees or subcommittees appointed by the governing bodies or school boards of counties, cities and  
 428 towns, except where the membership of any such commission, committee or subcommittee includes a

**429** majority of the governing body of the county, city or town or school board.