

LD3700685

## SENATE BILL NO. 1119

Senate Amendments in [ ] — February 13, 1995

A *BILL to amend and reenact § 2.1-342 of the Code of Virginia, relating to the Freedom of Information Act; disclosure of certain information required.*

Patrons—Houck; Delegates: DeBoer and O'Brien

Consent to introduce

Referred to the Committee on General Laws

**Be it enacted by the General Assembly of Virginia:****1. That § 2.1-342 of the Code of Virginia is 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 Commonwealth during the regular office hours of the custodian of such records. Access to such records shall not be denied to citizens of this Commonwealth, representatives of newspapers and magazines with circulation in this Commonwealth, and representatives of radio and television stations broadcasting in or into this 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, 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

ENGROSSED

SB1119E

60 process the request, require the citizen requesting the information to agree to payment of an amount not  
61 to exceed the advance determination by five percent. The period within which the public body must  
62 respond under this section shall be tolled for the amount of time that elapses between notice of the  
63 advance determination and the response of the citizen requesting the information.

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

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

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

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

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

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

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

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

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

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

is an emancipated minor or a student in a state-supported institution of higher education, such right of 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.

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 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

183 private concern, where such data, records or information has not been publicly released, published,  
184 copyrighted or patented.

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

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

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

194 21. Information which was filed as confidential under the Toxic Substances Information Act  
195 (§ 32.1-239 et seq.), as such Act existed prior to July 1, 1992.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

244 (iv) Internal security audits of correctional and juvenile facilities, but only to the extent that they

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

306 General Services through its Division of Risk Management as provided in Article 5.1 (§ 2.1-526.1 et  
307 seq.) of Chapter 32 of this title, or by any county, city, or town.

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

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

311 44. [Repealed.]

312 45. Investigative notes; correspondence and information furnished in confidence with respect to an  
313 investigation; and official records otherwise exempted by this chapter or any Virginia statute, provided  
314 to or produced by or for the Auditor of Public Accounts and the Joint Legislative Audit and Review  
315 Commission; or investigative notes, correspondence, documentation and information furnished and  
316 provided to or produced by or for the Department of the State Internal Auditor with respect to an  
317 investigation initiated through the State Employee Fraud, Waste and Abuse Hotline; ~~however, nothing~~ .  
318 *Nothing* in this chapter shall prohibit disclosure of information from the records of completed  
319 investigations in a form that does not reveal the identity of complainants, persons supplying information,  
320 or other individuals involved in the investigation; *however, disclosure [ , unless such disclosure is*  
321 *prohibited by this section, ] of information from the records of completed investigations shall include,*  
322 *but is not limited to, the agency involved, the identity of the person who is the subject of the complaint,*  
323 *the nature of the complaint, and the actions taken to resolve the complaint. [ In the event an*  
324 *investigation does not lead to corrective action, the identity of the person who is the subject of the*  
325 *complaint may be released only with the consent of the subject person. ]*

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

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

332 48. Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections  
333 provided to the Department of Rail and Public Transportation, provided such information is exempt  
334 under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws  
335 administered by the Interstate Commerce Commission or the Federal Rail Administration with respect to  
336 data provided in confidence to the Interstate Commerce Commission and the Federal Railroad  
337 Administration.

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

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

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

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

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

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

366 55. Reports, documents, memoranda or other information or materials which describe any aspect of  
367 security used by the Virginia Museum of Fine Arts to the extent that disclosure or public dissemination

of such materials would jeopardize the security of the Museum or any warehouse controlled by the Museum, as follows:

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

b. Surveillance techniques;

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

d. Engineering and architectural drawings of the Museum or any warehouse;

e. Transportation of the Museum's collections, including routes and schedules; or

f. Operation of the Museum or any warehouse used by the Museum involving the:

(1) Number of employees, including security guards, present at any time; or

(2) Busiest hours, with the maximum number of visitors in the Museum.

56. Reports, documents, memoranda or other information or materials which describe any aspect of security used by the Virginia Department of Alcoholic Beverage Control to the extent that disclosure or public dissemination of such materials would jeopardize the security of any government store as defined in Title 4.1, or warehouse controlled by the Department of Alcoholic Beverage Control, as follows:

(i) Operational, procedural or tactical planning documents, including any training manuals to the extent they discuss security measures;

(ii) Surveillance techniques;

(iii) The installation, operation, or utilization of any alarm technology;

(iv) Engineering and architectural drawings of such government stores or warehouses;

(v) The transportation of merchandise, including routes and schedules; and

(vi) The operation of any government store or the central warehouse used by the Department of Alcoholic Beverage Control involving the:

a. Number of employees present during each shift;

b. Busiest hours, with the maximum number of customers in such government store; and

c. Banking system used, including time and place of deposits.

57. Information required to be provided pursuant to § 54.1-2506.1.

58. (Effective July 1, 1995) Confidential information designated as provided in subsection D of § 11-52 as trade secrets or proprietary information by any person who has submitted to a public body an application for prequalification to bid on public construction projects in accordance with subsection B of § 11-46.

C. Neither any provision of this chapter nor any provision of Chapter 26 (§ 2.1-377 et seq.) of this title shall be construed as denying public access to contracts between a public official and a public body, other than contracts settling public employee employment disputes held confidential as personnel records under subdivision 3 of subsection B of this section, or to records of the position, job classification, official salary or rate of pay of, and to records of the allowances or reimbursements for expenses paid to, any public officer, official or employee at any level of state, local or regional government in this Commonwealth or to the compensation or benefits paid by any corporation organized by the Virginia Retirement System, RF&P Corporation and its wholly owned subsidiaries, to their officers or employees. The provisions of this subsection, however, shall not apply to records of the official salaries or rates of pay of public employees whose annual rate of pay is \$10,000 or less.