

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend and reenact §§ 2.1-1.5 and 2.1-342 of the Code of Virginia and to amend the Code of  
3 Virginia by adding in Title 51.5 a chapter numbered 11, consisting of sections numbered 51.5-53  
4 through 51.5-59, relating to the Assistive Technology Loan Fund Authority.

5 [S 985]  
6 Approved

7 **Be it enacted by the General Assembly of Virginia:**

8 **1. That §§ 2.1-1.5 and 2.1-342 of the Code of Virginia are amended and reenacted and that the**  
9 **Code of Virginia is amended by adding in Title 51.5 a chapter numbered 11, consisting of sections**  
10 **numbered 51.5-53 through 51.5-59 as follows:**

11 § 2.1-1.5. Entities not subject to standard nomenclature.

12 The following entities are not subject to the provisions of § 2.1-1.2 due to the unique characteristics  
13 or enabling legislation of the entities:

14 Authorities

- 15 *Assistive Technology Loan Fund Authority.*
- 16 *Richmond Eye and Ear Hospital Authority.*
- 17 *Small Business Financing Authority.*
- 18 *State Education Assistance Authority.*
- 19 *Virginia Agriculture Development Authority.*
- 20 *Virginia College Building Authority.*
- 21 *Virginia Education Loan Authority.*
- 22 *Virginia Housing Development Authority.*
- 23 *Virginia Innovative Technology Authority.*
- 24 *Virginia Port Authority.*
- 25 *Virginia Public Building Authority.*
- 26 *Virginia Public School Authority.*
- 27 *Virginia Resources Authority.*
- 28 *Virginia Student Assistance Authorities.*

29 Boards

- 30 *Board of Commissioners, Virginia Agriculture Development Authority.*
- 31 *Board of Commissioners, Virginia Port Authority.*
- 32 *Board of Directors, Assistive Technology Loan Fund Authority.*
- 33 *Board of Directors, Richmond Eye and Ear Hospital Authority.*
- 34 *Board of Directors, Small Business Financing Authority.*
- 35 *Board of Directors, Virginia Student Assistance Authorities.*
- 36 *Board of Directors, Virginia Innovative Technology Authority.*
- 37 *Board of Directors, Virginia Resources Authority.*
- 38 *Board of Regents, Gunston Hall Plantation.*
- 39 *Board of Regents, James Monroe Memorial Law Office and Library.*
- 40 *Board of Trustees, Family and Children's Trust Fund.*
- 41 *Board of Trustees, Frontier Culture Museum of Virginia.*
- 42 *Board of Trustees, Jamestown-Yorktown Foundation.*
- 43 *Board of Trustees, Miller School of Albemarle.*
- 44 *Board of Trustees, Rural Virginia Development Foundation.*
- 45 *Board of Trustees, The Science Museum of Virginia.*
- 46 *Board of Trustees, Virginia Museum of Fine Arts.*
- 47 *Board of Trustees, Virginia Museum of Natural History.*
- 48 *Board of Trustees, Virginia Outdoor Foundation.*
- 49 *(Effective July 1, 1996) Board of the Virginia Higher Education Tuition Trust Fund.*
- 50 *Board of Visitors, Christopher Newport University.*
- 51 *Board of Visitors, The College of William and Mary in Virginia.*
- 52 *Board of Visitors, George Mason University.*
- 53 *Board of Visitors, Gunston Hall Plantation.*
- 54 *Board of Visitors, James Madison University.*
- 55 *Board of Visitors, Longwood College.*
- 56 *Board of Visitors, Mary Washington College.*

- 57 Board of Visitors to Mount Vernon.
- 58 Board of Visitors, Norfolk State University.
- 59 Board of Visitors, Old Dominion University.
- 60 Board of Visitors, Radford University.
- 61 Board of Visitors, University of Virginia.
- 62 Board of Visitors, Virginia Commonwealth University.
- 63 Board of Visitors, Virginia Military Institute.
- 64 Board of Visitors, Virginia Polytechnic Institute and State University.
- 65 Board of Visitors, Virginia State University.
- 66 Governing Board, Virginia College Building Authority.
- 67 Governing Board, Virginia Public School Authority.
- 68 Library Board, The Library of Virginia.
- 69 State Board for Community Colleges, Virginia Community College System.

Commissions

- 71 Alexandria Historical Restoration and Preservation Commission.
- 72 Chesapeake Bay Bridge and Tunnel Commission.
- 73 Hampton Roads Sanitation District Commission.

Districts

- 74 Chesapeake Bay Bridge and Tunnel District.
- 75 Hampton Roads Sanitation District.

Educational Institutions

- 76 Christopher Newport University.
- 77 College of William and Mary in Virginia.
- 78 Frontier Culture Museum of Virginia.
- 79 George Mason University.
- 80 James Madison University.
- 81 Jamestown-Yorktown Foundation.
- 82 Longwood College.
- 83 Mary Washington College.
- 84 Miller School of Albemarle.
- 85 Norfolk State University.
- 86 Old Dominion University.
- 87 Radford University.
- 88 The Science Museum of Virginia.
- 89 University of Virginia.
- 90 Virginia Commonwealth University.
- 91 Virginia Community College System.
- 92 Virginia Military Institute.
- 93 Virginia Museum of Fine Arts.
- 94 Virginia Polytechnic Institute and State University.
- 95 The Library of Virginia.
- 96 Virginia State University.

Foundations

- 97 Chippokes Plantation Farm Foundation.
- 98 Rural Virginia Development Foundation.
- 99 Virginia Conservation and Recreation Foundation.
- 100 Virginia Historic Preservation Foundation.
- 101 Virginia Outdoor Foundation.

Museum

- 102 Virginia Museum of Natural History.

Plantation

- 103 Gunston Hall Plantation.

System

- 104 Virginia Retirement System.

105 § 2.1-342. Official records to be open to inspection; procedure for requesting records and responding to request; charges; exceptions to application of chapter.

106 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

118 records shall take all necessary precautions for their preservation and safekeeping. Any public body  
 119 covered under the provisions of this chapter shall make an initial response to citizens requesting records  
 120 open to inspection within five work days after the receipt of the request by the public body which is the  
 121 custodian of the requested records. Such citizen request shall designate the requested records with  
 122 reasonable specificity. A specific reference to this chapter by the requesting citizen in his request shall  
 123 not be necessary to invoke the provisions of this chapter and the time limits for response by the public  
 124 body. The response by the public body within such five work days shall be one of the following  
 125 responses:

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

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

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

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

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

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

155 In any case where a public body determines in advance that search and copying charges for  
 156 producing the requested documents are likely to exceed \$200, the public body may, before continuing to  
 157 process the request, require the citizen requesting the information to agree to payment of an amount not  
 158 to exceed the advance determination by five percent. The period within which the public body must  
 159 respond under this section shall be tolled for the amount of time that elapses between notice of the  
 160 advance determination and the response of the citizen requesting the information.

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

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

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

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

173 1. Memoranda, correspondence, evidence and complaints related to criminal investigations; adult  
 174 arrestee photographs when necessary to avoid jeopardizing an investigation in felony cases until such  
 175 time as the release of such photograph will no longer jeopardize the investigation; reports submitted to  
 176 the state and local police, to investigators authorized pursuant to § 53.1-16 and to the campus police  
 177 departments of public institutions of higher education as established by Chapter 17 (§ 23-232 et seq.) of  
 178 Title 23 in confidence; portions of records of local government crime commissions that would identify

179 individuals providing information about crimes or criminal activities under a promise of anonymity;  
180 records of local police departments relating to neighborhood watch programs that include the names,  
181 addresses, and operating schedules of individual participants in the program that are provided to such  
182 departments under a promise of confidentiality; and all records of persons imprisoned in penal  
183 institutions in this Commonwealth provided such records relate to the imprisonment. Information in the  
184 custody of law-enforcement officials relative to the identity of any individual other than a juvenile who  
185 is arrested and charged, and the status of the charge or arrest, shall not be excluded from the provisions  
186 of this chapter.

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

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

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

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

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

221 4. Memoranda, working papers and correspondence (i) held by or requested from members of the  
222 General Assembly or the Division of Legislative Services or (ii) held or requested by the office of the  
223 Governor or Lieutenant Governor, Attorney General or the mayor or other chief executive officer of any  
224 political subdivision of the Commonwealth or the president or other chief executive officer of any  
225 state-supported institution of higher education. This exclusion shall not apply to memoranda, studies or  
226 other papers held or requested by the mayor or other chief executive officer of any political subdivision  
227 which are specifically concerned with the evaluation of performance of the duties and functions of any  
228 locally elected official and were prepared after June 30, 1992.

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

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

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

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

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

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

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

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

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

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

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

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

268 14. Proprietary information gathered by or for the Virginia Port Authority as provided in  
269 § 62.1-132.4 or § 62.1-134.1.

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

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

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

282 18. Financial statements not publicly available filed with applications for industrial development  
283 financings.

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

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

291 21. Information which was filed as confidential under the Toxic Substances Information Act  
292 (§ 32.1-239 et seq.), as such Act existed prior to July 1, 1992.

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

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

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

298 25. Investigator notes, and other correspondence and information, furnished in confidence with  
299 respect to an active investigation of individual employment discrimination complaints made to the  
300 Department of Personnel and Training; however, nothing in this section shall prohibit the disclosure of

301 information taken from inactive reports in a form which does not reveal the identity of charging parties,  
302 persons supplying the information or other individuals involved in the investigation.

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

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

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

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

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

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

327 32. Reports, manuals, specifications, documents, minutes or recordings of staff meetings or other  
328 information or materials of the Virginia Board of Corrections, the Virginia Department of Corrections or  
329 any institution thereof to the extent, as determined by the Director of the Department of Corrections or  
330 his designee or of the Virginia Board of Youth and Family Services, the Virginia Department of Youth  
331 and Family Services or any facility thereof to the extent as determined by the Director of the  
332 Department of Youth and Family Services, or his designee, that disclosure or public dissemination of  
333 such materials would jeopardize the security of any correctional or juvenile facility or institution, as  
334 follows:

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

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

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

341 (iv) Internal security audits of correctional and juvenile facilities, but only to the extent that they  
342 specifically disclose matters described in (i), (ii), or (iii) above or other specific operational details the  
343 disclosure of which would jeopardize the security of a correctional or juvenile facility or institution;

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

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

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

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

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

360 33. Personal information, as defined in § 2.1-379, (i) filed with the Virginia Housing Development  
361 Authority concerning individuals who have applied for or received loans or other housing assistance or

362 who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by  
 363 the Virginia Housing Development Authority, (ii) concerning persons participating in or persons on the  
 364 waiting list for federally funded rent-assistance programs, or (iii) filed with any local redevelopment and  
 365 housing authority created pursuant to § 36-4 concerning persons participating in or persons on the  
 366 waiting list for housing assistance programs funded by local governments or by any such authority.  
 367 However, access to one's own information shall not be denied.

368 34. Documents regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441,  
 369 if disclosure of them would have a detrimental effect upon the negotiating position of a governing body  
 370 or on the establishment of the terms, conditions and provisions of the siting agreement.

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

373 36. Records containing information on the site specific location of rare, threatened, endangered or  
 374 otherwise imperiled plant and animal species, natural communities, caves, and significant historic and  
 375 archaeological sites if, in the opinion of the public body which has the responsibility for such  
 376 information, disclosure of the information would jeopardize the continued existence or the integrity of  
 377 the resource. This exemption shall not apply to requests from the owner of the land upon which the  
 378 resource is located.

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

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

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

401 40. [Repealed.]

402 41. Records concerning reserves established in specific claims administered by the Department of  
 403 General Services through its Division of Risk Management as provided in Article 5.1 (§ 2.1-526.1 et  
 404 seq.) of Chapter 32 of this title, or by any county, city, or town.

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

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

408 44. [Repealed.]

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

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

421 47. Documentation or other information which describes the design, function, operation or access  
 422 control features of any security system, whether manual or automated, which is used to control access to

423 or use of any automated data processing or telecommunications system.

424 48. Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections  
 425 provided to the Department of Rail and Public Transportation, provided such information is exempt  
 426 under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws  
 427 administered by the Interstate Commerce Commission or the Federal Rail Administration with respect to  
 428 data provided in confidence to the Interstate Commerce Commission and the Federal Railroad  
 429 Administration.

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

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

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

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

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

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

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

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

464 b. Surveillance techniques;

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

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

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

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

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

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

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

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

477 (ii) Surveillance techniques;

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

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

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

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

483 a. Number of employees present during each shift;

484 b. Busiest hours, with the maximum number of customers in such government store; and  
 485 c. Banking system used, including time and place of deposits.

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

487 58. (Effective July 1, 1995) Confidential information designated as provided in subsection D of  
 488 § 11-52 as trade secrets or proprietary information by any person who has submitted to a public body an  
 489 application for prequalification to bid on public construction projects in accordance with subsection B of  
 490 § 11-46.

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

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

#### 504 CHAPTER 11.

#### 505 ASSISTIVE TECHNOLOGY LOAN FUND AUTHORITY.

506 § 51.5-53. *Definitions.*

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

508 "Assistive technology" means any item, piece of equipment or device that enables an individual with  
 509 a disability to improve his or her independence and quality of life.

510 "Authority" means the Assistive Technology Loan Fund Authority established pursuant to this  
 511 chapter.

512 "Board" means the Board of Directors of the Assistive Technology Loan Fund Authority.

513 "Fund" means the Assistive Technology Loan Fund established pursuant to this chapter.

514 "Qualifying borrower" means any person who demonstrates that a loan made pursuant to this  
 515 chapter will assist one or more persons with disabilities to improve their independence or become more  
 516 productive members of the community. The person must demonstrate creditworthiness and repayment  
 517 abilities to the satisfaction of the Board.

518 § 51.5-54. *Declaration of purpose; Assistive Technology Loan Fund Authority established.*

519 A. *It is hereby found and determined by the General Assembly that there exists in the Commonwealth*  
 520 *a need to provide assistance in the purchase of assistive technology equipment which is designed to*  
 521 *enable persons with disabilities to become more independent or more productive members of the*  
 522 *community with an improved quality of life.*

523 B. *To achieve the objectives of subsection A, the Assistive Technology Loan Fund Authority is hereby*  
 524 *created, with such powers and duties as are set forth in this chapter, as a public body corporate and as*  
 525 *a political subdivision of the Commonwealth.*

526 § 51.5-55. *Membership of Board; terms, compensation, and expenses.*

527 A. *All powers, rights and duties conferred by this chapter or other provisions of law upon the*  
 528 *Authority shall be exercised by the Board of Directors of the Authority. The Board shall consist of ten*  
 529 *members as follows: the Secretary of Health and Human Resources or his designee; the Treasurer of*  
 530 *the Commonwealth or his designee; an employee of the Woodrow Wilson Rehabilitation Center; an*  
 531 *experienced consumer lender; a certified public accountant; and five persons with a range of*  
 532 *disabilities. The citizen members shall be appointed by the Governor and confirmed by the General*  
 533 *Assembly. The Board shall annually elect a chairman from among its members. Board members shall*  
 534 *receive no salaries but shall be reimbursed for all reasonable and necessary expenses incurred by them*  
 535 *in the performance of their duties on behalf of the Authority.*

536 B. *The seven citizen members of the Board shall initially be appointed for terms of office as follows:*  
 537 *three for a term of two years, two for a term of three years, and two for a term of four years.*  
 538 *Appointments thereafter shall be made for four-year terms, except that appointments to fill vacancies*  
 539 *shall be made for the unexpired terms. Representatives of state agencies shall serve coincident with the*  
 540 *term of the Governor. No member appointed by the Governor shall be eligible to serve more than two*  
 541 *complete terms in succession.*

542 C. *Meetings of the members of the Board shall be held at the call of the chairman or whenever four*  
 543 *members so request. The Board shall meet regularly to review individual loan applications and approve*  
 544 *or deny such applications based upon information provided to or obtained by the Board. In any event,*

545 *the Board shall meet as necessary to attend to the business of the Authority.*

546 *§ 51.5-56. Powers of the Authority.*

547 *The Authority is hereby granted all powers necessary or appropriate to carry out and effectuate its*  
548 *purposes including, but not limited to, the following powers to:*

549 *1. Have perpetual existence as a public body corporate and as a political subdivision of the*  
550 *Commonwealth;*

551 *2. Adopt, amend, and repeal bylaws, rules and regulations not inconsistent with this chapter, to*  
552 *regulate its affairs and to carry into effect the powers and the purposes of the Authority and for the*  
553 *conduct of its business. All regulations of the Authority shall be promulgated in accordance with the*  
554 *Administrative Process Act (§ 9-6.14:1 et seq.);*

555 *3. Sue and be sued in its name;*

556 *4. Have an official seal and alter it at will;*

557 *5. Establish, administer, manage, including the creation of reserves, and make expenditures from the*  
558 *Fund for the sole purpose of providing loans to individuals with disabilities for the acquisition of*  
559 *assistive technology;*

560 *6. Administer the Fund established by this chapter and contract with the State Treasurer and other*  
561 *state or community-based entities or groups working with persons with disabilities for such assistance in*  
562 *administering the loan program as the Board may require;*

563 *7. Maintain an office at such place or places within the Commonwealth as it may designate;*

564 *8. Make and execute contracts and all other instruments necessary and convenient for the*  
565 *performance of its duties and the exercise of its powers under this chapter upon such terms and*  
566 *conditions as it deems appropriate, including contracts with appropriate state or community-based*  
567 *entities or groups dealing with disabled persons;*

568 *9. Employ office personnel, advisers, consultants, professionals and agents as may be necessary in its*  
569 *judgment, and to fix their compensation. Legal services in civil matters shall be rendered and performed*  
570 *by the Attorney General in accordance with Chapter 11 (§ 2.1-117 et seq.) of Title 2.1, and special*  
571 *counsel may only be employed with approval and appointment by the Attorney General or as may*  
572 *otherwise be authorized by § 2.1-122;*

573 *10. Procure insurance against any loss in connection with its property and other assets, including,*  
574 *but not limited to, loans in such amounts and from such insurers as it may deem advisable;*

575 *11. Receive, hold, accept, and administer from any source gifts, grants, aid or contributions of*  
576 *money, property, labor or other things of value to be held, used and applied to carry out the purposes*  
577 *of this chapter (subject, however, to any conditions upon which grants or contributions are made)*  
578 *including, but not limited to, gifts, grants, bequests of money or devises from any source, including the*  
579 *federal government or any of its agencies or instrumentalities for the purposes of this chapter. Unless*  
580 *otherwise restricted by the terms of the gift or bequest, the Board is authorized to sell, exchange, or*  
581 *otherwise dispose of such money, securities, or other property given or bequeathed to it in furtherance*  
582 *of its purposes;*

583 *12. Use any fund or funds of the Authority for any and all expenses to be paid by the Authority*  
584 *including, by way of example, but not by limitation, any and all expenses for administrative, legal, and*  
585 *other services;*

586 *13. Collect fees and charges, as the Authority determines to be reasonable, in connection with its*  
587 *loans, insurance, guarantees, commitments and servicing thereof;*

588 *14. Take any action necessary or convenient for the exercise of the powers granted by this chapter*  
589 *or reasonably implied from them; and*

590 *15. Maintain the confidentiality of financial, medical, rehabilitative and other personal information*  
591 *submitted to or maintained by the Authority concerning applicants for or recipients of loan funds. Such*  
592 *information shall not be subject to the mandatory disclosure provisions of § 2.1-342 or the public*  
593 *meeting requirements of § 2.1-344 of the Virginia Freedom of Information Act.*

594 *§ 51.5-57. Assistive Technology Loan Fund established.*

595 *A. There is hereby established a permanent and perpetual fund to be known as the Assistive*  
596 *Technology Loan Fund, consisting of such moneys as may be appropriated by the General Assembly*  
597 *from time to time, gifts, bequests, endowments or grants from the United States government, its agencies*  
598 *and instrumentalities, all receipts by the Fund from loans made by it, all income from the investment of*  
599 *moneys held in the Fund, and any other available sources of funds, public and private. Any moneys*  
600 *remaining in the Fund at the end of a biennium shall not revert to the general fund but shall remain in*  
601 *the Fund. Interest and income earned from the investment of such funds shall remain in the Fund and*  
602 *be credited to it.*

603 *B. The Fund shall be used to provide loans to individuals with disabilities within the Commonwealth*  
604 *for the purpose of acquiring assistive technology or other equipment designed to help such individuals*  
605 *become more independent. The Fund shall also be used to buy down interest rates of lending institutions*

606 *making such loans and provide a loan guarantee for loans made by lending institutions for such*  
607 *purposes. The Fund shall be used only when, in the discretion of the Board, loan applicants have met*  
608 *eligibility criteria and the release of money is deemed appropriate.*

609 *C. The Fund shall be administered and managed by the Authority. The costs and expenses of*  
610 *maintaining, servicing and administering the Fund may be paid out of amounts in the Fund.*

611 *§ 51.5-58. Provision of loans.*

612 *A. The Board may enter into loan agreements with any qualifying borrower who demonstrates (i)*  
613 *that the loan will be used to acquire assistive technology or other equipment designed to help one or*  
614 *more persons with disabilities to improve their independence or become more productive members of the*  
615 *community and (ii) who has the ability to repay the loan.*

616 *B. The amount and terms of any loan shall be determined by the Board.*

617 *C. All loans must be repaid on such terms and at such interest rates as the Board may, from time to*  
618 *time, determine to be appropriate in accordance with a procedure prescribed by regulations adopted*  
619 *pursuant to the Administrative Process Act (§ 9-6.14:1 et seq.).*

620 *§ 51.5-59. Annual report.*

621 *The Board shall submit an annual statement of the receipts, disbursements, and current investments*  
622 *of the Fund for the preceding year to the Governor and the General Assembly. The report shall set forth*  
623 *a complete operating and financial statement covering the operation of the Fund during the year.*