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SENATE JOINT RESOLUTION NO. 290

Offered January 17, 1997

Requesting the Secretary of Administration, in cooperation with the Secretaries of Commerce and Trade, Education, Finance, Health and Human Resources, Natural Resources, Public Safety, and Transportation, to study the efficiency with which executive agencies respond to requests for information from the public and the cost to individuals for receiving such information.

Patrons—Gartlan, Barry, Colgan, Howell, Ticer and Whipple; Delegates: Darner, Dillard, Hull, Lovelace, Plum and Puller

Referred to the Committee on Rules

WHEREAS, the 1994 interim report of the Governor's Blue Ribbon Strike Force found that the Governor's office receives daily entreaties from citizens of the Commonwealth describing "inexcusable behavior in the form of bad service or uncaring attitudes by state employees"; and

WHEREAS, the 1994 interim report of the Governor's Blue Ribbon Strike Force also stated that "Virginia's citizens are its customers", that "when customers request state services, they have certain needs and expectations in mind," and that "when they request a copy of a birth certificate, they do not expect to receive it in six weeks, but rather, within a reasonable number of days"; and

WHEREAS, the ability of the citizenry to receive information from the government is a cornerstone of an informed democracy and helps to ensure the accountability of government; and

WHEREAS, the Virginia Freedom of Information Act, § 2.1-340 et seq. of the Code of Virginia, was enacted to ensure public access to government records which are not exempt from the Act; and

WHEREAS, the Virginia Freedom of Information Act provides that any public body covered by the Act shall make an initial response to citizens requesting records open to inspection within five work days after the receipt of the request, and that specific reference to the Freedom of Information Act is not necessary to invoke the provisions of the Act and the time limits for response; and

WHEREAS, the Virginia Freedom of Information Act provides that if a public body finds that it is practically impossible to supply the requested information within the five-day time limit, the public body shall so inform the requesting citizen and shall have an additional seven work days to provide a response to the request for information; and

WHEREAS, the Virginia Freedom of Information Act provides that public bodies may make reasonable charges for the copying, search time and computer time expended in supplying requested information, but that such charges may not exceed the actual cost of supplying such records or documents; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Secretary of Administration, in cooperation with the Secretaries of Commerce and Trade, Education, Finance, Health and Human Resources, Natural Resources, Public Safety, and Transportation, be requested to study the provision of information requested by citizens of the Commonwealth, the time required to respond to such requests, the charges assessed those requesting information, and compliance with the Virginia Freedom of Information Act for all executive branch agencies under each secretary's supervision. The Secretaries shall determine whether information requested was supplied within the applicable time limits, whether fees charged for such information represented or exceeded the costs incurred, and whether agencies withholding requested information provided notification to the requester citing the specific provisions of the Virginia Freedom of Information Act exempting the release of such information.

The Secretary of Administration shall report his findings and recommendations to the Governor and the 1998 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

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