

# VIRGINIA ACTS OF ASSEMBLY -- 1998 SESSION

## CHAPTER 715

*An Act to amend and reenact § 9-365 of the Code of Virginia, relating to the Virginia Information Providers Network Authority; restriction on release of information.*

[H 632]

Approved April 16, 1998

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

**1. That § 9-365 of the Code of Virginia is amended and reenacted as follows:**

§ 9-365. Access to public information; receipt of information; application of statutory restrictions on confidentiality to Authority.

A. The Authority may provide electronic access to public information provided to it by any state agency and to the extent provided in the agreement with the providing agency. The Authority shall explore ways and means of expanding the amount and kind of public information provided, increasing the utility of the public information provided and the form in which it is provided, expanding the base of users who access such public information and, where appropriate, implementing changes.

B. The Authority shall be authorized to execute license agreements which provide access to public information in any electronic medium or format. *In executing such agreements, the Authority shall ensure that only those entities legally entitled to access information will be permitted access to information through the Network. The Authority shall further ensure that the Network does not aggregate independent sources of information to which it has access for the purpose of building comprehensive records about the citizens of the Commonwealth.* Nothing contained in this chapter shall preclude any state agency from providing access to public information to the public or other government agencies or entities, or from disseminating any public information to which the Authority does not provide access. Further, nothing contained in this chapter shall authorize any state agency to provide access to information on a basis that is otherwise prohibited under existing law.

C. The Authority may be authorized by the judicial and legislative branches to execute license agreements which provide access to public information in any electronic medium or format on their behalf. However, nothing in this chapter shall be construed to affect or pertain to records originating from or under the control of the clerks of the circuit courts of the Commonwealth except upon terms mutually agreed upon by the Authority, any state agency that may be holding such records for archival purposes, and the clerk's office where such records originated.

D. The Authority may receive public information in electronic format from members of the public for the purpose of transmitting such public information electronically to state agencies.

E. In circumstances where official records subject to the Virginia Freedom of Information Act (§ 2.1-340 et seq.) are furnished to the Authority by any state agency and such records are no longer available from such agency, the Authority, as custodian of such records, shall be subject to requests for such records made pursuant to the Freedom of Information Act. All statutory provisions governing public or official records, including, but not limited to, the Freedom of Information Act (§ 2.1-340 et seq.), the Privacy Protection Act of 1976 (§ 2.1-377 et seq.), and the Virginia Public Records Act (§ 42.1-76 et seq.), and all penalties for any violation thereof shall apply to the Authority and its employees. Nothing in this chapter shall relieve any public body, including the Authority, of any duty imposed by such statutory provisions governing public or official records, nor shall this chapter be construed to authorize or encourage the destruction or deletion of such records by public bodies.