

HOUSE JOINT RESOLUTION NO. 501

Continuing the Joint Subcommittee Studying the Virginia Freedom of Information Act.

Agreed to by the House of Delegates, February 7, 1999

Agreed to by the Senate, February 23, 1999

WHEREAS, the Virginia Freedom of Information Act (FOIA) was first enacted by the 1968 Session of the General Assembly to ensure "the people of this Commonwealth ready access to records in the custody of public officials and free entry to meetings of public bodies wherein the business of the people is being conducted"; and

WHEREAS, with the advent of technological changes, the methods of collection, processing, and keeping official records have changed dramatically, with the effect, on occasion, of limiting public access to government records and meetings; and

WHEREAS, the critical right of the people in the Commonwealth to have free access to the affairs of their government cannot be overstated; and

WHEREAS, FOIA has been the subject of at least four studies since its enactment, with each study committee recommending important changes to ensure public access to the workings of government; and

WHEREAS, most recently, the 1998 General Assembly established a seven-member joint subcommittee to study the Virginia Freedom of Information Act pursuant to House Joint Resolution No. 187; and

WHEREAS, among the many issues studied by the joint subcommittee were the public records exemptions, including those for criminal investigations, scholastic records, proprietary information, and working papers of high-level public officials; open meeting exemptions, including consultation with legal counsel and the discussion or consideration of the use of real property; and the sufficiency of the enforcement provisions and penalties; and

WHEREAS, while the joint subcommittee conducted eight meetings during the interim at which testimony was received from the Virginia Press and Broadcasters Associations, state and local government officials, representatives of local government organizations, and private citizens, evidencing widespread public interest in the implementation and enforcement of the Freedom of Information Act, further study is needed to accurately incorporate the perspectives and expertise of these interested parties on these significant legal and policy issues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Subcommittee Studying the Virginia Freedom of Information Act be continued. The members appointed pursuant to HJR No. 187 (1998) shall continue to serve, except that any vacancies shall be filled as provided in HJR No. 187. Staffing shall continue to be provided by the Division of Legislative Services.

In continuing its study, the joint subcommittee shall, among other things, review current exemptions for proprietary information and trade secrets, and examine the feasibility of the (i) inclusion in the definition of "public body" private foundations which exist solely to support colleges and universities and are under strict control of the board of visitors and (ii) creation of a state "sunshine office" to resolve FOIA complaints, conduct training and education seminars, issue opinions or final orders, and offer voluntary mediation of disputes.

All agencies of the Commonwealth shall provide assistance to the joint subcommittee, upon request.

The direct costs of this study shall not exceed \$7,600.

The joint subcommittee shall complete its work in time to submit its findings and recommendations to the Governor and the 2000 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

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