



# VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

## COMMONWEALTH OF VIRGINIA

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June 6, 2016

1:00 PM

Speaker's Conference Room, 6th Floor  
General Assembly Building, Richmond, Virginia

### Meeting of the MEETINGS Subcommittee of the FOIA Council

*Proposed Agenda  
(Annotated)*

1. Call to order.
2. Continue implementation of subcommittee work plan. *As per the study plan adopted by the Council, with the completion of the review of open meeting exemptions found in § 2.2-3711, § 2.2-3712 (closed meeting procedures), § 2.2-3707 (notice of meetings, etc.), § 2.2-3707.1 (posting of minutes for state boards, commissions), and 2.2-3710 (voting), the Subcommittee will begin review of § 2.2-3707.01 (meetings of General Assembly), § 2.2-3708 and 2.2-3708.1 (electronic communication meetings). Time permitting the Meetings Subcommittee will begin review of (i) § 2.2-3700 (policy) and (ii) the suggested reorganization of FOIA into three articles: Article 1--General Provisions; Article 2--Access to Public Records; and Article 3--Open Meetings. [Note: The FOIA reorganization outline is attached to this agenda as Appendix A.]*
3. Policy consideration: Meeting exemptions that reference existing FOIA record exclusions--"Context draft."  
*At previous meetings, the Subcommittee discussed whether the current meeting exemptions that reference existing FOIA record exemptions should be amended to contain more information, to include the identity of the public body(s) to which the exemption applies and a general description of the subject matter of the excluded records/topic for discussion in a closed meeting in addition to the citation to the applicable records exemption. A draft was prepared by staff, discussed by the Subcommittee, and posted on the Council website to receive further comment. No action to date on this approach has been taken by the Subcommittee. It is expected that the Subcommittee will take action on the context draft in this meeting.*
4. Review and action on proposed amendments to § 2.2-3707 (notice of meetings, etc.) suggested at the last meeting.
5. Public Comment.

6. Discussion.
7. Other Business.
8. Set future meeting dates in 2016. *Please bring your calendars.*  
**FYI, next meeting date of the Meetings Subcommittee has been scheduled for Monday, July 18, 2016 at 10:30 a.m.**
9. Adjournment.

**Subcommittee Members**

**Kathleen Dooley, Chair**  
**Frosty Landon**  
**Shawri King-Casey**

**Marisa Porto**  
**John Selph**

The FOIA Council's web site is: <http://foiacouncil.dls.virginia.gov/>. To assist us in providing Internet dissemination of materials, presenters are requested to submit written comments and handouts in electronic format by (i) e-mail to staff prior to meetings or (ii) diskette furnished to staff at meetings. Presenters are also requested to bring 20 copies of their remarks or handouts to meetings. These copies will be provided to FOIA Council Subcommittee members and the public.

E-mail: [foiacouncil@dls.virginia.gov](mailto:foiacouncil@dls.virginia.gov).

**APPENDIX A**

**PROPOSED  
FOIA REORGANIZATION OUTLINE**

**PROPOSED ARTICLES AND IDENTIFICATION OF  
EXISTING FOIA SECTIONS IN EACH PROPOSED  
ARTICLE.**

**Proposed Chapter 37.1  
(§§ 2.2-3715 et seq.)**

**Virginia Freedom of Information Act.  
(Effective July 1, 2015)**

**Article 1. General Provisions.**

§§ Included:

2.2-3700. Short title; policy.

2.2-3702. Notice of chapter.

2.2-3703. Public bodies and records to which chapter inapplicable; voter registration and election records; access by persons incarcerated in a state, local, or federal correctional facility. (Part)

2.2-3713. Proceedings for enforcement of chapter.

2.2-3714. Violations and penalties.

**Article 2. Public Records.**

§§ Included:

2.2-3701. Definitions. (Part--"public body," public record," and "scholastic record.")

~~2.2-3703. Public bodies and records to which chapter inapplicable; voter registration and election records; access by persons incarcerated in a state, local, or federal correctional facility. (Part)~~

2.2-3703.1. Disclosure pursuant to court order or subpoena.

2.2-3704. Public records to be open to inspection; procedure for requesting records and responding to request; charges; transfer of records for storage, etc.

2.2-3704.1. Posting of notice of rights and responsibilities by state public bodies; assistance by the Freedom of Information Advisory Council.

2.2-3705.1. Exclusions to application of chapter; exclusions of general application to public bodies.

2.2-3705.3. Exclusions to application of chapter; records relating to administrative investigations.

2.2-3705.4. Exclusions to application of chapter; educational records and certain records of educational institutions.

2.2-3705.5. Exclusions to application of chapter; health and social services records.

2.2-3705.6. Exclusions to application of chapter; proprietary records and trade secrets.

2.2-3705.2. Exclusions to application of chapter; records relating to public safety.

2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exemptions.

2.2-3705.8. Limitation on record exclusions.

2.2-3706. Disclosure of criminal records; limitations.

NOTE: Article 2: Exemptions Sections suggested to be listed in alphabetical order.

### **Article 3. Public Meetings.**

§§ Included:

2.2-3701. Definitions. (Part--"emergency," "closed meeting," "electronic communication," "meeting," "open meeting," "public body," and "regional public body.")

2.2-3707. Meetings to be public; notice of meetings; recordings; minutes.

2.2-3707.01. Meetings of the General Assembly.

2.2-3707.1. Posting of minutes for state boards and commissions.

2.2-3708. Electronic communication meetings; applicability; physical quorum required; exceptions; notice; report.

2.2-3708.1. Participation in meetings in event of emergency or personal matter; certain disabilities; distance from meeting location for certain public bodies.

2.2-3710. Transaction of public business other than by votes at meetings prohibited.

2.2-3711. Closed meetings authorized for certain limited purposes.

2.2-3712. Closed meetings procedures; certification of proceedings.

NOTE:

§ 2.2-3709. [Expired.]--Not included in proposed reorganization.