

VIRGINIA ACTS OF ASSEMBLY -- 2005 SESSION

CHAPTER 763

An Act to amend and reenact § 2.2-3808.2 of the Code of Virginia, and to repeal the second enactment of Chapter 988 of the Acts of Assembly of 2003, relating to posting and availability of certain information on the Internet; prohibitions; sunset.

[S 1192]

Approved March 26, 2005

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3808.2 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3808.2. (Expires July 1, 2005) Posting and availability of certain information on the Internet; prohibitions.

A. Beginning January 1, 2004, no court clerk shall post on a court-controlled website any document that contains the following information: (i) an actual signature; (ii) a social security number; (iii) a date of birth identified with a particular person; (iv) the maiden name of a person's parent so as to be identified with a particular person; (v) any financial account number or numbers; or (vi) the name and age of any minor child.

B. Each such clerk shall post notice that includes a list of the documents routinely posted on its website.

C. Nothing in this section shall be construed to prohibit access to any original document as provided by law.

D. This section shall not apply to the following:

1. Providing secure remote access to any document *among the land records* by means of a network or system that complies with security standards developed by the Virginia Information Technologies Agency in consultation with the circuit court clerks, the Executive Secretary of the Supreme Court, the Compensation Board, interested citizens, and users of land and other court records. Such standards shall include, but not be limited to, a requirement, as a precondition for access, for registration by users in person or by means of a notarized or otherwise sworn application that establishes the prospective user's identity, business or residence address, and citizenship status;

2. Postings related to legitimate law-enforcement purposes;

3. Postings of historical, genealogical, interpretive, or educational documents and information about historic persons and events; ~~and~~

4. Postings of instruments and records filed or recorded prior to ~~1902~~ 1905; and

5. *Providing secure remote access to any person and his counsel to documents filed in matters to which such person is a party.*

E. As used in this section, "land records" means any writing authorized by law to be recorded on paper or in electronic format which the clerk records affecting title to real property.

F. Nothing in this section shall prohibit the Supreme Court or any other court from providing online access to a case management system which may include abstracts of case filings and proceedings in the courts of the Commonwealth.

G. This section shall expire on July 1, 2007.

2. That the second enactment of Chapter 988 of the 2003 Acts of Assembly is repealed.