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HOUSE BILL NO. 217

Offered January 11, 2012

Prefiled January 9, 2012

A BILL to amend and reenact § 2.2-3802 of the Code of Virginia, as it is currently effective and as it shall become effective, relating to Government Data Collection and Dissemination Practices Act; not applicable to certain records of the Department of Social Services.

Patron—Bell, Richard P.

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3802 of the Code of Virginia, as it is currently effective and as it shall become effective, is amended and reenacted as follows:

§ 2.2-3802. (Effective until July 1, 2012) Systems to which chapter inapplicable.

The provisions of this chapter shall not apply to personal information systems:

1. Maintained by any court of the Commonwealth;
2. Which may exist in publications of general circulation;
3. Contained in the Criminal Justice Information System as defined in §§ 9.1-126 through 9.1-137 or in the Sex Offender and Crimes Against Minors Registry maintained by the Department of State Police pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, except to the extent that information is required to be posted on the Internet pursuant to § 9.1-913;
4. Contained in the Virginia Juvenile Justice Information System as defined in §§ 16.1-222 through 16.1-225;
5. Maintained by agencies concerning persons required by law to be licensed in the Commonwealth to engage in the practice of any profession, in which case the names and addresses of persons applying for or possessing the license may be disseminated upon written request to a person engaged in the profession or business of offering professional educational materials or courses for the sole purpose of providing the licensees or applicants for licenses with informational materials relating solely to available professional educational materials or courses, provided the disseminating agency is reasonably assured that the use of the information will be so limited;
6. Maintained by the Parole Board, the Crime Commission, the Judicial Inquiry and Review Commission, the Virginia Racing Commission, and the Department of Alcoholic Beverage Control;
7. Maintained by the Department of State Police; the police department of the Chesapeake Bay Bridge and Tunnel Commission; police departments of cities, counties, and towns; and the campus police departments of public institutions of higher education as established by Chapter 17 (§ 23-232 et seq.) of Title 23, and that deal with investigations and intelligence gathering relating to criminal activity; and maintained by local departments of social services regarding alleged cases of child abuse or neglect while such cases are also subject to an ongoing criminal prosecution;
8. Maintained by the Virginia Port Authority as provided in § 62.1-134.1 or 62.1-132.4;
9. Maintained by the Virginia Tourism Authority in connection with or as a result of the promotion of travel or tourism in the Commonwealth, in which case names and addresses of persons requesting information on those subjects may be disseminated upon written request to a person engaged in the business of providing travel services or distributing travel information, provided the Virginia Tourism Authority is reasonably assured that the use of the information will be so limited;
10. Maintained by the Division of Consolidated Laboratory Services of the Department of General Services and the Department of Forensic Science, which deal with scientific investigations relating to criminal activity or suspected criminal activity, except to the extent that § 9.1-1104 may apply;
11. Maintained by the Department of Corrections that deal with investigations and intelligence gathering by persons acting under the provisions of § 53.1-16;
12. Maintained by the Department of the State Internal Auditor or internal audit departments of state agencies or institutions that deal with communications and investigations relating to the State Employee Fraud, Waste and Abuse Hotline; and
13. Maintained by the Department of Social Services or any local department of social services relating to public assistance fraud investigations; and
14. Maintained by the Department of Social Services related to child welfare, adult services or adult protective services, or public assistance programs when requests for personal information are made to the Department of Social Services. Requests for information from these systems shall be made to the appropriate local department of social services, which is the custodian of that record. Notwithstanding

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59 *the language in this section, an individual shall not be prohibited from obtaining information from the*
60 *central registry in accordance with the provisions of § 63.2-1515.*

61 § 2.2-3802. (Effective July 1, 2012) Systems to which chapter inapplicable.

62 The provisions of this chapter shall not apply to personal information systems:

63 1. Maintained by any court of the Commonwealth;

64 2. Which may exist in publications of general circulation;

65 3. Contained in the Criminal Justice Information System as defined in §§ 9.1-126 through 9.1-137 or
66 in the Sex Offender and Crimes Against Minors Registry maintained by the Department of State Police
67 pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, except to the extent that information is required to
68 be posted on the Internet pursuant to § 9.1-913;

69 4. Contained in the Virginia Juvenile Justice Information System as defined in §§ 16.1-222 through
70 16.1-225;

71 5. Maintained by agencies concerning persons required by law to be licensed in the Commonwealth
72 to engage in the practice of any profession, in which case the names and addresses of persons applying
73 for or possessing the license may be disseminated upon written request to a person engaged in the
74 profession or business of offering professional educational materials or courses for the sole purpose of
75 providing the licensees or applicants for licenses with informational materials relating solely to available
76 professional educational materials or courses, provided the disseminating agency is reasonably assured
77 that the use of the information will be so limited;

78 6. Maintained by the Parole Board, the Crime Commission, the Judicial Inquiry and Review
79 Commission, the Virginia Racing Commission, and the Department of Alcoholic Beverage Control;

80 7. Maintained by the Department of State Police; the police department of the Chesapeake Bay
81 Bridge and Tunnel Commission; police departments of cities, counties, and towns; and the campus
82 police departments of public institutions of higher education as established by Chapter 17 (§ 23-232 et
83 seq.) of Title 23, and that deal with investigations and intelligence gathering relating to criminal activity;
84 and maintained by local departments of social services regarding alleged cases of child abuse or neglect
85 while such cases are also subject to an ongoing criminal prosecution;

86 8. Maintained by the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1;

87 9. Maintained by the Virginia Tourism Authority in connection with or as a result of the promotion
88 of travel or tourism in the Commonwealth, in which case names and addresses of persons requesting
89 information on those subjects may be disseminated upon written request to a person engaged in the
90 business of providing travel services or distributing travel information, provided the Virginia Tourism
91 Authority is reasonably assured that the use of the information will be so limited;

92 10. Maintained by the Division of Consolidated Laboratory Services of the Department of General
93 Services and the Department of Forensic Science, which deal with scientific investigations relating to
94 criminal activity or suspected criminal activity, except to the extent that § 9.1-1104 may apply;

95 11. Maintained by the Department of Corrections or the Office of the State Inspector General that
96 deal with investigations and intelligence gathering by persons acting under the provisions of Chapter 3.2
97 (§ 2.2-307 et seq.);

98 12. Maintained by the Office of the State Inspector General or internal audit departments of state
99 agencies or institutions that deal with communications and investigations relating to the State Employee
100 Fraud, Waste and Abuse Hotline; and

101 13. Maintained by the Department of Social Services or any local department of social services
102 relating to public assistance fraud investigations; and

103 14. *Maintained by the Department of Social Services related to child welfare, adult services or adult*
104 *protective services, or public assistance programs when requests for personal information are made to*
105 *the Department of Social Services. Requests for information from these systems shall be made to the*
106 *appropriate local department of social services, which is the custodian of that record. Notwithstanding*
107 *the language in this section, an individual shall not be prohibited from obtaining information from the*
108 *central registry in accordance with the provisions of § 63.2-1515.*