

## **Department of Planning and Budget**

### **2021 Fiscal Impact Statement**

**1. Bill Number:** HB2000

|                        |                          |              |                          |            |                          |           |
|------------------------|--------------------------|--------------|--------------------------|------------|--------------------------|-----------|
| <b>House of Origin</b> | <input type="checkbox"/> | Introduced   | <input type="checkbox"/> | Substitute | <input type="checkbox"/> | Engrossed |
| <b>Second House</b>    | <input type="checkbox"/> | In Committee | <input type="checkbox"/> | Substitute | <input type="checkbox"/> | Enrolled  |

**2. Patron:** Roem

**3. Committee:** Committee Referral Pending

**4. Title:** Virginia Freedom of Information Act; charges for production of public records.

**5. Summary:** Prohibits a public body from charging a requester for any costs incurred during the first two hours spent accessing or searching for requested records when such requester has made four or fewer individual records requests to such public body within 31 consecutive days. The bill provides that for any additional time spent accessing or searching for such records, or when such requester makes five or more individual records requests to such public body within any 31-consecutive-day period, the public body shall not charge an hourly rate for accessing or searching for the records exceeding the lesser of the hourly rate of pay of the lowest-paid individual capable of fulfilling the request or \$33 per hour. The bill also requires public bodies to post on their website or otherwise publish a written policy (a) explaining how the public body assesses charges for accessing or searching for requested records and (b) noting the current fee charged, if any, by the public body for accessing and searching for the requested records.

**6. Budget Amendment Necessary:** No

**7. Fiscal Impact Estimates:** Preliminary, Indeterminate

**8. Fiscal Implications:** The provisions of this bill could potentially create an indeterminate impact to state agencies and other public bodies covered by the Virginia Freedom of Information Act. The exact impact, if any, to a specific state agency or other public body will depend on the current policies implemented by such agencies or bodies to recover the costs associated with accessing and searching for records as part of responding to requests for information. To the extent that the provisions of this bill are in line with an agency's or public body's current practices, no negative impact is expected for that agency or body. To the extent that an agency's or other public body's current policies allow for a higher charge than that outlined in this bill, they may experience a fiscal impact in the form of a reduction in the amount charged to requesting parties.

**9. Specific Agency or Political Subdivisions Affected:** All state agencies and other public bodies covered by the Virginia Freedom of Information Act.

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None