

VIRGINIA ACTS OF ASSEMBLY -- 2023 SESSION

CHAPTER 127

An Act to amend and reenact § 42.1-78 of the Code of Virginia, relating to the Virginia Public Records Act; confidentiality of certain archived records.

[S 1024]

Approved March 21, 2023

Be it enacted by the General Assembly of Virginia:

1. That § 42.1-78 of the Code of Virginia is amended and reenacted as follows:

§ 42.1-78. Confidentiality safeguarded.

Any records made confidential by law shall be so treated. Records that by law are required to be closed to the public shall not be deemed to be made open to the public under the provisions of this chapter. Records in the custody of The Library of Virginia that are required to be closed to the public shall be open for public access 75 years after the date of creation of the record. No provision of this chapter shall be construed to authorize or require the opening of any records ordered to be sealed by a court; however, upon a petition filed with the clerk, a judge may enter an order releasing any record sealed prior to January 1, 1901. *Medical and educational records made confidential by law shall remain so after being deposited in the archives.* All records deposited in the archives that are not made confidential by law shall be open to public access.