

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact §§ 2.1-342 and 2.1-344 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 32.1-283.2, relating to family violence fatality review teams; penalty.

[S 1035]

Approved

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.1-342 and 2.1-344 of the Code of Virginia are amended and reenacted and the Code of Virginia is amended by adding a section numbered 32.1-283.2 as follows:

§ 2.1-342. Official records to be open to inspection; procedure for requesting records and responding to request; charges; exceptions to application of chapter.

A. Except as otherwise specifically provided by law, all official records shall be open to inspection and copying by any citizens of the Commonwealth during the regular office hours of the custodian of such records. Access to such records shall not be denied to citizens of the Commonwealth, representatives of newspapers and magazines with circulation in the Commonwealth, and representatives of radio and television stations broadcasting in or into the Commonwealth. The custodian of such records shall take all necessary precautions for their preservation and safekeeping. Any public body covered under the provisions of this chapter shall make an initial response to citizens requesting records open to inspection within five work days after the receipt of the request by the public body which is the custodian of the requested records. Such citizen request shall designate the requested records with reasonable specificity. A specific reference to this chapter by the requesting citizen in his request shall not be necessary to invoke the provisions of this chapter and the time limits for response by the public body. The response by the public body within such five work days shall be one of the following responses:

1. The requested records shall be provided to the requesting citizen.

2. If the public body determines that an exemption applies to all of the requested records, it may refuse to release such records and provide to the requesting citizen a written explanation as to why the records are not available with the explanation making specific reference to the applicable Code sections which make the requested records exempt.

3. If the public body determines that an exemption applies to a portion of the requested records, it may delete or excise that portion of the records to which an exemption applies, but shall disclose the remainder of the requested records and provide to the requesting citizen a written explanation as to why these portions of the record are not available to the requesting citizen with the explanation making specific reference to the applicable Code sections which make that portion of the requested records exempt. Any reasonably segregatable portion of an official record shall be provided to any person requesting the record after the deletion of the exempt portion.

4. If the public body determines that it is practically impossible to provide the requested records or to determine whether they are available within the five-work-day period, the public body shall so inform the requesting citizen and shall have an additional seven work days in which to provide one of the three preceding responses.

Nothing in this section shall prohibit any public body from petitioning the appropriate court for additional time to respond to a request for records when the request is for an extraordinary volume of records and a response by the public body within the time required by this chapter will prevent the public body from meeting its operational responsibilities. Before proceeding with this petition, however, the public body shall make reasonable efforts to reach an agreement with the requester concerning the production of the records requested.

The public body may make reasonable charges for the copying, search time and computer time expended in the supplying of such records. The public body may also make a reasonable charge for preparing documents produced from a geographic information system at the request of anyone other than the owner of the land that is the subject of the request. However, such charges shall not exceed the actual cost to the public body in supplying such records or documents, except that the public body may charge, on a pro rata per acre basis, for the cost of creating topographical maps developed by the public body, for such maps or portions thereof, which encompass a contiguous area greater than fifty acres. Such charges for the supplying of requested records shall be estimated in advance at the request of the citizen. The public body may require the advance payment of charges which are subject to advance determination.

57 In any case where a public body determines in advance that search and copying charges for  
 58 producing the requested documents are likely to exceed \$200, the public body may, before continuing to  
 59 process the request, require the citizen requesting the information to agree to payment of an amount not  
 60 to exceed the advance determination by five percent. The period within which the public body must  
 61 respond under this section shall be tolled for the amount of time that elapses between notice of the  
 62 advance determination and the response of the citizen requesting the information.

63 Official records maintained by a public body on a computer or other electronic data processing  
 64 system which are available to the public under the provisions of this chapter shall be made reasonably  
 65 accessible to the public at reasonable cost. Beginning July 1, 1997, every public body of state  
 66 government shall compile, and annually update, an index of computer databases which contains at a  
 67 minimum those databases created by them on or after July 1, 1997. "Computer database" means a  
 68 structured collection of data or documents residing in a computer. Such index shall be an official record  
 69 and shall include, at a minimum, the following information with respect to each database listed therein:  
 70 a list of data fields, a description of the format or record layout, the date last updated, a list of any data  
 71 fields to which public access is restricted, a description of each format in which the database can be  
 72 copied or reproduced using the public body's computer facilities, and a schedule of fees for the  
 73 production of copies in each available form. The form, context, language, and guidelines for the indices  
 74 and the databases to be indexed shall be developed by the Director of the Department of Information  
 75 Technology in consultation with the Librarian of Virginia and the State Archivist. The public body shall  
 76 not be required to disclose its software security, including passwords.

77 Public bodies shall not be required to create or prepare a particular requested record if it does not  
 78 already exist. Public bodies may, but shall not be required to, abstract or summarize information from  
 79 official records or convert an official record available in one form into another form at the request of  
 80 the citizen. The public body shall make reasonable efforts to reach an agreement with the requester  
 81 concerning the production of the records requested.

82 Failure to make any response to a request for records shall be a violation of this chapter and deemed  
 83 a denial of the request.

84 B. The following records are excluded from the provisions of this chapter but may be disclosed by  
 85 the custodian in his discretion, except where such disclosure is prohibited by law:

86 1. Memoranda, correspondence, evidence and complaints related to criminal investigations; adult  
 87 arrestee photographs when necessary to avoid jeopardizing an investigation in felony cases until such  
 88 time as the release of such photograph will no longer jeopardize the investigation; reports submitted to  
 89 the state and local police, to investigators authorized pursuant to § 53.1-16 and to the campus police  
 90 departments of public institutions of higher education as established by Chapter 17 (§ 23-232 et seq.) of  
 91 Title 23 in confidence; portions of records of local government crime commissions that would identify  
 92 individuals providing information about crimes or criminal activities under a promise of anonymity;  
 93 records of local police departments relating to neighborhood watch programs that include the names,  
 94 addresses, and operating schedules of individual participants in the program that are provided to such  
 95 departments under a promise of confidentiality; and all records of persons imprisoned in penal  
 96 institutions in the Commonwealth provided such records relate to the imprisonment. Information in the  
 97 custody of law-enforcement officials relative to the identity of any individual other than a juvenile who  
 98 is arrested and charged, and the status of the charge or arrest, shall not be excluded from the provisions  
 99 of this chapter.

100 Criminal incident information relating to felony offenses shall not be excluded from the provisions of  
 101 this chapter; however, where the release of criminal incident information is likely to jeopardize an  
 102 ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection,  
 103 or result in the destruction of evidence, such information may be withheld until the above-referenced  
 104 damage is no longer likely to occur from release of the information.

105 2. Confidential records of all investigations of applications for licenses and permits, and all licensees  
 106 and permittees made by or submitted to the Alcoholic Beverage Control Board, the State Lottery  
 107 Department, the Virginia Racing Commission, or the Charitable Gaming Commission.

108 3. State income, business, and estate tax returns, personal property tax returns, scholastic records and  
 109 personnel records containing information concerning identifiable individuals, except that such access  
 110 shall not be denied to the person who is the subject thereof, and medical and mental records, except that  
 111 such records can be personally reviewed by the subject person or a physician of the subject person's  
 112 choice; however, the subject person's mental records may not be personally reviewed by such person  
 113 when the subject person's treating physician has made a part of such person's records a written statement  
 114 that in his opinion a review of such records by the subject person would be injurious to the subject  
 115 person's physical or mental health or well-being.

116 Where the person who is the subject of medical records is confined in a state or local correctional  
 117 facility, the administrator or chief medical officer of such facility may assert such confined person's right

118 of access to the medical records if the administrator or chief medical officer has reasonable cause to  
 119 believe that such confined person has an infectious disease or other medical condition from which other  
 120 persons so confined need to be protected. Medical records shall be reviewed only and shall not be  
 121 copied by such administrator or chief medical officer. The information in the medical records of a  
 122 person so confined shall continue to be confidential and shall not be disclosed to any person except the  
 123 subject by the administrator or chief medical officer of the facility or except as provided by law.

124 For the purposes of this chapter such statistical summaries of incidents and statistical data concerning  
 125 patient abuse as may be compiled by the Commissioner of the Department of Mental Health, Mental  
 126 Retardation and Substance Abuse Services shall be open to inspection and releasable as provided in  
 127 subsection A of this section. No such summaries or data shall include any patient-identifying  
 128 information. Where the person who is the subject of scholastic or medical and mental records is under  
 129 the age of eighteen, his right of access may be asserted only by his guardian or his parent, including a  
 130 noncustodial parent, unless such parent's parental rights have been terminated or a court of competent  
 131 jurisdiction has restricted or denied such access. In instances where the person who is the subject thereof  
 132 is an emancipated minor or a student in a state-supported institution of higher education, such right of  
 133 access may be asserted by the subject person.

134 4. Memoranda, working papers and correspondence (i) held by or requested from members of the  
 135 General Assembly or the Division of Legislative Services or (ii) held or requested by the Office of the  
 136 Governor or Lieutenant Governor, Attorney General or the mayor or other chief executive officer of any  
 137 political subdivision of the Commonwealth or the president or other chief executive officer of any  
 138 state-supported institution of higher education. This exclusion shall not apply to memoranda, studies or  
 139 other papers held or requested by the mayor or other chief executive officer of any political subdivision  
 140 which are specifically concerned with the evaluation of performance of the duties and functions of any  
 141 locally elected official and were prepared after June 30, 1992, nor shall this exclusion apply to agenda  
 142 packets prepared and distributed to public bodies for use at a meeting.

143 Except as provided in § 30-28.18, memoranda, working papers and correspondence of a member of  
 144 the General Assembly held by the Division of Legislative Services shall not be released by the Division  
 145 without the prior consent of the member.

146 5. Written opinions of the city, county and town attorneys of the cities, counties and towns in the  
 147 Commonwealth and any other writing protected by the attorney-client privilege.

148 6. Memoranda, working papers and records compiled specifically for use in litigation or as a part of  
 149 an active administrative investigation concerning a matter which is properly the subject of an executive  
 150 or closed meeting under § 2.1-344 and material furnished in confidence with respect thereto.

151 7. Confidential letters and statements of recommendation placed in the records of educational  
 152 agencies or institutions respecting (i) admission to any educational agency or institution, (ii) an  
 153 application for employment, or (iii) receipt of an honor or honorary recognition.

154 8. Library records which can be used to identify both (i) any library patron who has borrowed  
 155 material from a library and (ii) the material such patron borrowed.

156 9. Any test or examination used, administered or prepared by any public body for purposes of  
 157 evaluation of (i) any student or any student's performance, (ii) any employee or employment seeker's  
 158 qualifications or aptitude for employment, retention, or promotion, or (iii) qualifications for any license  
 159 or certificate issued by any public body.

160 As used in this subdivision 9, "test or examination" shall include (i) any scoring key for any such  
 161 test or examination and (ii) any other document which would jeopardize the security of such test or  
 162 examination. Nothing contained in this subdivision 9 shall prohibit the release of test scores or results as  
 163 provided by law, or limit access to individual records as is provided by law. However, the subject of  
 164 such employment tests shall be entitled to review and inspect all documents relative to his performance  
 165 on such employment tests.

166 When, in the reasonable opinion of such public body, any such test or examination no longer has any  
 167 potential for future use, and the security of future tests or examinations will not be jeopardized, such test  
 168 or examination shall be made available to the public. However, minimum competency tests administered  
 169 to public school children shall be made available to the public contemporaneously with statewide release  
 170 of the scores of those taking such tests, but in no event shall such tests be made available to the public  
 171 later than six months after the administration of such tests.

172 10. Applications for admission to examinations or for licensure and scoring records maintained by  
 173 the Department of Health Professions or any board in that Department on individual licensees or  
 174 applicants. However, such material may be made available during normal working hours for copying, at  
 175 the requester's expense, by the individual who is the subject thereof, in the offices of the Department of  
 176 Health Professions or in the offices of any health regulatory board, whichever may possess the material.

177 11. Records of active investigations being conducted by the Department of Health Professions or by  
 178 any health regulatory board in the Commonwealth.

179 12. Memoranda, legal opinions, working papers and records recorded in or compiled exclusively for  
180 executive or closed meetings lawfully held pursuant to § 2.1-344.

181 13. Reports, documentary evidence and other information as specified in §§ 2.1-373.2 and 63.1-55.4.

182 14. Proprietary information gathered by or for the Virginia Port Authority as provided in  
183 § 62.1-132.4 or § 62.1-134.1.

184 15. Contract cost estimates prepared for the confidential use of the Department of Transportation in  
185 awarding contracts for construction or the purchase of goods or services and records, documents and  
186 automated systems prepared for the Department's Bid Analysis and Monitoring Program.

187 16. Vendor proprietary information software which may be in the official records of a public body.  
188 For the purpose of this section, "vendor proprietary software" means computer programs acquired from a  
189 vendor for purposes of processing data for agencies or political subdivisions of the Commonwealth.

190 17. Data, records or information of a proprietary nature produced or collected by or for faculty or  
191 staff of state institutions of higher learning, other than the institutions' financial or administrative  
192 records, in the conduct of or as a result of study or research on medical, scientific, technical or scholarly  
193 issues, whether sponsored by the institution alone or in conjunction with a governmental body or a  
194 private concern, where such data, records or information has not been publicly released, published,  
195 copyrighted or patented.

196 18. Financial statements not publicly available filed with applications for industrial development  
197 financings.

198 19. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth,  
199 whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by  
200 the political subdivision.

201 20. Confidential proprietary records, voluntarily provided by private business pursuant to a promise  
202 of confidentiality from the Department of Business Assistance, the Virginia Economic Development  
203 Partnership or local or regional industrial or economic development authorities or organizations, used by  
204 the Department, the Partnership, or such entities for business, trade and tourism development; and  
205 memoranda, working papers or other records related to businesses that are considering locating or  
206 expanding in Virginia, prepared by the Partnership, where competition or bargaining is involved and  
207 where, if such records are made public, the financial interest of the governmental unit would be  
208 adversely affected.

209 21. Information which was filed as confidential under the Toxic Substances Information Act  
210 (§ 32.1-239 et seq.), as such Act existed prior to July 1, 1992.

211 22. Documents as specified in § 58.1-3.

212 23. Confidential records, including victim identity, provided to or obtained by staff in a rape crisis  
213 center or a program for battered spouses.

214 24. Computer software developed by or for a state agency, state-supported institution of higher  
215 education or political subdivision of the Commonwealth.

216 25. Investigator notes, and other correspondence and information, furnished in confidence with  
217 respect to an active investigation of individual employment discrimination complaints made to the  
218 Department of Personnel and Training; however, nothing in this section shall prohibit the disclosure of  
219 information taken from inactive reports in a form which does not reveal the identity of charging parties,  
220 persons supplying the information or other individuals involved in the investigation.

221 26. Fisheries data which would permit identification of any person or vessel, except when required  
222 by court order as specified in § 28.2-204.

223 27. Records of active investigations being conducted by the Department of Medical Assistance  
224 Services pursuant to Chapter 10 (§ 32.1-323 et seq.) of Title 32.1.

225 28. Documents and writings furnished by a member of the General Assembly to a meeting of a  
226 standing committee, special committee or subcommittee of his house established solely for the purpose  
227 of reviewing members' annual disclosure statements and supporting materials filed under § 2.1-639.40 or  
228 of formulating advisory opinions to members on standards of conduct, or both.

229 29. Customer account information of a public utility affiliated with a political subdivision of the  
230 Commonwealth, including the customer's name and service address, but excluding the amount of utility  
231 service provided and the amount of money paid for such utility service.

232 30. Investigative notes and other correspondence and information furnished in confidence with  
233 respect to an investigation or conciliation process involving an alleged unlawful discriminatory practice  
234 under the Virginia Human Rights Act (§ 2.1-714 et seq.); however, nothing in this section shall prohibit  
235 the distribution of information taken from inactive reports in a form which does not reveal the identity  
236 of the parties involved or other persons supplying information.

237 31. Investigative notes; proprietary information not published, copyrighted or patented; information  
238 obtained from employee personnel records; personally identifiable information regarding residents,  
239 clients or other recipients of services; and other correspondence and information furnished in confidence

240 to the Department of Social Services in connection with an active investigation of an applicant or  
 241 licensee pursuant to Chapters 9 (§ 63.1-172 et seq.) and 10 (§ 63.1-195 et seq.) of Title 63.1; however,  
 242 nothing in this section shall prohibit disclosure of information from the records of completed  
 243 investigations in a form that does not reveal the identity of complainants, persons supplying information,  
 244 or other individuals involved in the investigation.

245 32. Reports, manuals, specifications, documents, minutes or recordings of staff meetings or other  
 246 information or materials of the Virginia Board of Corrections, the Virginia Department of Corrections or  
 247 any institution thereof to the extent, as determined by the Director of the Department of Corrections or  
 248 his designee or of the Virginia Board of Juvenile Justice, the Virginia Department of Juvenile Justice or  
 249 any facility thereof to the extent as determined by the Director of the Department of Juvenile Justice, or  
 250 his designee, that disclosure or public dissemination of such materials would jeopardize the security of  
 251 any correctional or juvenile facility or institution, as follows:

252 (i) Security manuals, including emergency plans that are a part thereof;

253 (ii) Engineering and architectural drawings of correctional and juvenile facilities, and operational  
 254 specifications of security systems utilized by the Departments, provided the general descriptions of such  
 255 security systems, cost and quality shall be made available to the public;

256 (iii) Training manuals designed for correctional and juvenile facilities to the extent that they address  
 257 procedures for institutional security, emergency plans and security equipment;

258 (iv) Internal security audits of correctional and juvenile facilities, but only to the extent that they  
 259 specifically disclose matters described in (i), (ii), or (iii) above or other specific operational details the  
 260 disclosure of which would jeopardize the security of a correctional or juvenile facility or institution;

261 (v) Minutes or recordings of divisional, regional and institutional staff meetings or portions thereof to  
 262 the extent that such minutes deal with security issues listed in (i), (ii), (iii), and (iv) of this subdivision;

263 (vi) Investigative case files by investigators authorized pursuant to § 53.1-16; however, nothing in  
 264 this section shall prohibit the disclosure of information taken from inactive reports in a form which does  
 265 not reveal the identity of complainants or charging parties, persons supplying information, confidential  
 266 sources, or other individuals involved in the investigation, or other specific operational details the  
 267 disclosure of which would jeopardize the security of a correctional or juvenile facility or institution;  
 268 nothing herein shall permit the disclosure of materials otherwise exempt as set forth in subdivision 1 of  
 269 subsection B of this section;

270 (vii) Logs or other documents containing information on movement of inmates, juvenile clients or  
 271 employees; and

272 (viii) Documents disclosing contacts between inmates, juvenile clients and law-enforcement  
 273 personnel.

274 Notwithstanding the provisions of this subdivision, reports and information regarding the general  
 275 operations of the Departments, including notice that an escape has occurred, shall be open to inspection  
 276 and copying as provided in this section.

277 33. Personal information, as defined in § 2.1-379, (i) filed with the Virginia Housing Development  
 278 Authority concerning individuals who have applied for or received loans or other housing assistance or  
 279 who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by  
 280 the Virginia Housing Development Authority, (ii) concerning persons participating in or persons on the  
 281 waiting list for federally funded rent-assistance programs, or (iii) filed with any local redevelopment and  
 282 housing authority created pursuant to § 36-4 concerning persons participating in or persons on the  
 283 waiting list for housing assistance programs funded by local governments or by any such authority.  
 284 However, access to one's own information shall not be denied.

285 34. Documents regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441,  
 286 if disclosure of them would have a detrimental effect upon the negotiating position of a governing body  
 287 or on the establishment of the terms, conditions and provisions of the siting agreement.

288 35. Appraisals and cost estimates of real property subject to a proposed purchase, sale or lease, prior  
 289 to the completion of such purchase, sale or lease.

290 36. Records containing information on the site specific location of rare, threatened, endangered or  
 291 otherwise imperiled plant and animal species, natural communities, caves, and significant historic and  
 292 archaeological sites if, in the opinion of the public body which has the responsibility for such  
 293 information, disclosure of the information would jeopardize the continued existence or the integrity of  
 294 the resource. This exemption shall not apply to requests from the owner of the land upon which the  
 295 resource is located.

296 37. Official records, memoranda, working papers, graphics, video or audio tapes, production models,  
 297 data and information of a proprietary nature produced by or for or collected by or for the State Lottery  
 298 Department relating to matters of a specific lottery game design, development, production, operation,  
 299 ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to  
 300 holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning,

301 advertising, or marketing, where such official records have not been publicly released, published,  
302 copyrighted or patented. Whether released, published or copyrighted, all game-related information shall  
303 be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game  
304 to which it pertains.

305 38. Official records of studies and investigations by the State Lottery Department of (i) lottery  
306 agents, (ii) lottery vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the  
307 law or regulations which cause abuses in the administration and operation of the lottery and any  
308 evasions of such provisions, or (v) use of the lottery as a subterfuge for organized crime and illegal  
309 gambling where such official records have not been publicly released, published or copyrighted. All  
310 studies and investigations referred to under clauses (iii), (iv) and (v) shall be subject to public disclosure  
311 under this chapter upon completion of the study or investigation.

312 39. Those portions of engineering and construction drawings and plans submitted for the sole purpose  
313 of complying with the building code in obtaining a building permit which would identify specific trade  
314 secrets or other information the disclosure of which would be harmful to the competitive position of the  
315 owner or lessee; however, such information shall be exempt only until the building is completed.  
316 Information relating to the safety or environmental soundness of any building shall not be exempt from  
317 disclosure.

318 40. [Repealed.]

319 41. Records concerning reserves established in specific claims administered by the Department of  
320 General Services through its Division of Risk Management as provided in Article 5.1 (§ 2.1-526.1 et  
321 seq.) of Chapter 32 of this title, or by any county, city, or town.

322 42. Information and records collected for the designation and verification of trauma centers and other  
323 specialty care centers within the Statewide Emergency Medical Services System and Services pursuant to  
324 Article 2.1 (§ 32.1-111.1 et seq.) of Chapter 4 of Title 32.1.

325 43. Reports and court documents required to be kept confidential pursuant to § 37.1-67.3.

326 44. [Repealed.]

327 45. Investigative notes; correspondence and information furnished in confidence with respect to an  
328 investigation; and official records otherwise exempted by this chapter or any Virginia statute, provided  
329 to or produced by or for the Auditor of Public Accounts and the Joint Legislative Audit and Review  
330 Commission; or investigative notes, correspondence, documentation and information furnished and  
331 provided to or produced by or for the Department of the State Internal Auditor with respect to an  
332 investigation initiated through the State Employee Fraud, Waste and Abuse Hotline. Nothing in this  
333 chapter shall prohibit disclosure of information from the records of completed investigations in a form  
334 that does not reveal the identity of complainants, persons supplying information or other individuals  
335 involved in the investigation; however, disclosure, unless such disclosure is prohibited by this section, of  
336 information from the records of completed investigations shall include, but is not limited to, the agency  
337 involved, the identity of the person who is the subject of the complaint, the nature of the complaint, and  
338 the actions taken to resolve the complaint. In the event an investigation does not lead to corrective  
339 action, the identity of the person who is the subject of the complaint may be released only with the  
340 consent of the subject person.

341 46. Data formerly required to be submitted to the Commissioner of Health relating to the  
342 establishment of new or expansion of existing clinical health services, acquisition of major medical  
343 equipment, or certain projects requiring capital expenditures pursuant to former § 32.1-102.3:4.

344 47. Documentation or other information which describes the design, function, operation or access  
345 control features of any security system, whether manual or automated, which is used to control access to  
346 or use of any automated data processing or telecommunications system.

347 48. Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections  
348 provided to the Department of Rail and Public Transportation, provided such information is exempt  
349 under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws  
350 administered by the Interstate Commerce Commission or the Federal Rail Administration with respect to  
351 data provided in confidence to the Interstate Commerce Commission and the Federal Railroad  
352 Administration.

353 49. In the case of corporations organized by the Virginia Retirement System, (i) proprietary  
354 information provided by, and financial information concerning, coventurers, partners, lessors, lessees, or  
355 investors, and (ii) records concerning the condition, acquisition, disposition, use, leasing, development,  
356 coventuring, or management of real estate the disclosure of which would have a substantial adverse  
357 impact on the value of such real estate or result in a competitive disadvantage to the corporation or  
358 subsidiary.

359 50. Confidential proprietary records related to inventory and sales, voluntarily provided by private  
360 energy suppliers to the Department of Mines, Minerals and Energy, used by that Department for energy  
361 contingency planning purposes or for developing consolidated statistical information on energy supplies.

362 51. Confidential proprietary information furnished to the Board of Medical Assistance Services or the  
 363 Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§ 32.1-331.12 et seq.) of  
 364 Chapter 10 of Title 32.1.

365 52. [Repealed.]

366 53. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue and  
 367 cost projections provided by a private transportation business to the Virginia Department of  
 368 Transportation and the Department of Rail and Public Transportation for the purpose of conducting  
 369 transportation studies needed to obtain grants or other financial assistance under the Intermodal Surface  
 370 Transportation Efficiency Act of 1991 (P.L. 102-240) for transportation projects, provided such  
 371 information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce  
 372 Act or other laws administered by the Interstate Commerce Commission or the Federal Rail  
 373 Administration with respect to data provided in confidence to the Interstate Commerce Commission and  
 374 the Federal Railroad Administration. However, the exemption provided by this subdivision shall not  
 375 apply to any wholly owned subsidiary of a public body.

376 54. Names and addresses of subscribers to Virginia Wildlife magazine, published by the Department  
 377 of Game and Inland Fisheries, provided the individual subscriber has requested in writing that the  
 378 Department not release such information.

379 55. Reports, documents, memoranda or other information or materials which describe any aspect of  
 380 security used by the Virginia Museum of Fine Arts to the extent that disclosure or public dissemination  
 381 of such materials would jeopardize the security of the Museum or any warehouse controlled by the  
 382 Museum, as follows:

383 a. Operational, procedural or tactical planning documents, including any training manuals to the  
 384 extent they discuss security measures;

385 b. Surveillance techniques;

386 c. Installation, operation, or utilization of any alarm technology;

387 d. Engineering and architectural drawings of the Museum or any warehouse;

388 e. Transportation of the Museum's collections, including routes and schedules; or

389 f. Operation of the Museum or any warehouse used by the Museum involving the:

390 (1) Number of employees, including security guards, present at any time; or

391 (2) Busiest hours, with the maximum number of visitors in the Museum.

392 56. Reports, documents, memoranda or other information or materials which describe any aspect of  
 393 security used by the Virginia Department of Alcoholic Beverage Control to the extent that disclosure or  
 394 public dissemination of such materials would jeopardize the security of any government store as defined  
 395 in Title 4.1, or warehouse controlled by the Department of Alcoholic Beverage Control, as follows:

396 (i) Operational, procedural or tactical planning documents, including any training manuals to the  
 397 extent they discuss security measures;

398 (ii) Surveillance techniques;

399 (iii) The installation, operation, or utilization of any alarm technology;

400 (iv) Engineering and architectural drawings of such government stores or warehouses;

401 (v) The transportation of merchandise, including routes and schedules; and

402 (vi) The operation of any government store or the central warehouse used by the Department of  
 403 Alcoholic Beverage Control involving the:

404 a. Number of employees present during each shift;

405 b. Busiest hours, with the maximum number of customers in such government store; and

406 c. Banking system used, including time and place of deposits.

407 57. Information required to be provided pursuant to § 54.1-2506.1.

408 58. Confidential information designated as provided in subsection D of § 11-52 as trade secrets or  
 409 proprietary information by any person who has submitted to a public body an application for  
 410 prequalification to bid on public construction projects in accordance with subsection B of § 11-46.

411 59. All information and records acquired during a review of any child death by the State Child  
 412 Fatality Review Team established pursuant to § 32.1-283.1 *and all information and records acquired*  
 413 *during a review of any death by a family violence fatality review team established pursuant to*  
 414 *§ 32.1-283.2.*

415 60. Investigative notes, correspondence, documentation and information provided to or produced by  
 416 or for the committee or the auditor with respect to an investigation or audit conducted pursuant to  
 417 § 15.1-765.2. Nothing in this section shall prohibit disclosure of information from the records of  
 418 completed investigations or audits in a form that does not reveal the identity of complainants or persons  
 419 supplying information.

420 61. Financial, medical, rehabilitative and other personal information concerning applicants for or  
 421 recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority  
 422 under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

423 62. Confidential proprietary records which are voluntarily provided by a private entity pursuant to a  
424 proposal filed with a public entity under the Public-Private Transportation Act of 1995 (§ 56-556 et  
425 seq.), pursuant to a promise of confidentiality from the responsible public entity, used by the responsible  
426 public entity for purposes related to the development of a qualifying transportation facility; and  
427 memoranda, working papers or other records related to proposals filed under the Public-Private  
428 Transportation Act of 1995, where, if such records were made public, the financial interest of the public  
429 or private entity involved with such proposal or the process of competition or bargaining would be  
430 adversely affected. In order for confidential proprietary information to be excluded from the provisions  
431 of this chapter, the private entity shall (i) invoke such exclusion upon submission of the data or other  
432 materials for which protection from disclosure is sought, (ii) identify the data or other materials for  
433 which protection is sought, and (iii) state the reasons why protection is necessary. For the purposes of  
434 this subdivision, the terms public entity and private entity shall be defined as they are defined in the  
435 Public-Private Transportation Act of 1995.

436 63. Records of law-enforcement agencies, to the extent that such records contain specific tactical  
437 plans, the disclosure of which would jeopardize the safety or security of law-enforcement personnel or  
438 the general public; engineering plans, architectural drawings, or operational specifications of  
439 governmental law-enforcement facilities, including but not limited to courthouses, jails, and detention  
440 facilities, to the extent that disclosure could jeopardize the safety or security of law-enforcement offices;  
441 however, general descriptions shall be provided to the public upon request.

442 64. All records of the University of Virginia or the University of Virginia Medical Center which  
443 contain proprietary, business-related information pertaining to the operations of the University of  
444 Virginia Medical Center, including its business development or marketing strategies and its activities  
445 with existing or future joint venturers, partners, or other parties with whom the University of Virginia  
446 Medical Center has formed, or forms, any arrangement for the delivery of health care, if disclosure of  
447 such information would be harmful to the competitive position of the Medical Center.

448 65. Patient level data collected by the Board of Health and not yet processed, verified, and released,  
449 pursuant to § 32.1-276.9, to the Board by the nonprofit organization with which the Commissioner of  
450 Health has contracted pursuant to § 32.1-276.4.

451 66. Records of the Medical College of Virginia Hospitals Authority pertaining to any of the  
452 following: (i) an individual's qualifications for or continued membership on its medical or teaching  
453 staffs; proprietary information gathered by or in the possession of the Authority from third parties  
454 pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in  
455 awarding contracts for construction or the purchase of goods or services; data, records or information of  
456 a proprietary nature produced or collected by or for the Authority or members of its medical or teaching  
457 staffs; financial statements not publicly available that may be filed with the Authority from third parties;  
458 the identity, accounts or account status of any customer of the Authority; consulting or other reports  
459 paid for by the Authority to assist the Authority in connection with its strategic planning and goals; and  
460 the determination of marketing and operational strategies where disclosure of such strategies would be  
461 harmful to the competitive position of the Authority; and (ii) data, records or information of a  
462 proprietary nature produced or collected by or for employees of the Authority, other than the Authority's  
463 financial or administrative records, in the conduct of or as a result of study or research on medical,  
464 scientific, technical or scholarly issues, whether sponsored by the Authority alone or in conjunction with  
465 a governmental body or a private concern, when such data, records or information have not been  
466 publicly released, published, copyrighted or patented.

467 67. Confidential proprietary information or trade secrets, not publicly available, provided by a private  
468 person or entity to the Virginia Resources Authority or to a fund administered in connection with  
469 financial assistance rendered or to be rendered by the Virginia Resources Authority where, if such  
470 information is made public, the financial interest of the private person or entity would be adversely  
471 affected, and, after June 30, 1997, where such information was provided pursuant to a promise of  
472 confidentiality.

473 68. Confidential proprietary records which are provided by a franchisee under § 15.2-2108 to its  
474 franchising authority pursuant to a promise of confidentiality from the franchising authority which  
475 relates to the franchisee's potential provision of new services, adoption of new technologies or  
476 implementation of improvements, where such new services, technologies or improvements have not been  
477 implemented by the franchisee on a nonexperimental scale in the franchise area, and where, if such  
478 records were made public, the competitive advantage or financial interests of the franchisee would be  
479 adversely affected. In order for confidential proprietary information to be excluded from the provisions  
480 of this chapter, the franchisee shall (i) invoke such exclusion upon submission of the data or other  
481 materials for which protection from disclosure is sought, (ii) identify the data or other materials for  
482 which protection is sought, and (iii) state the reason why protection is necessary.

483 69. Records of the Intervention Program Committee within the Department of Health Professions to

484 the extent such records may identify any practitioner who may be, or who is actually, impaired to the  
485 extent disclosure is prohibited by § 54.1-2517.

486 70. Records submitted as a grant application, or accompanying a grant application, to the  
487 Commonwealth Neurotrauma Initiative Advisory Board pursuant to Article 12 (§ 32.1-73.1 et seq.) of  
488 Chapter 2 of Title 32.1, to the extent such records contain: (i) medical or mental records, or other data  
489 identifying individual patients, or (ii) proprietary business or research related information produced or  
490 collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative,  
491 scientific, technical or scholarly issues, when such information has not been publicly released, published,  
492 copyrighted or patented, if the disclosure of such information would be harmful to the competitive  
493 position of the applicant.

494 71. Information which would disclose the security aspects of a system safety program plan adopted  
495 pursuant to 49 C.F.R. Part 659 by the Commonwealth's designated Rail Fixed Guideway Systems Safety  
496 Oversight agency; and information in the possession of such agency the release of which would  
497 jeopardize the success of an ongoing investigation of a rail accident or other incident threatening railway  
498 safety.

499 72. Documents and other information of a proprietary nature furnished by a supplier of charitable  
500 gaming supplies to the Charitable Gaming Commission pursuant to subsection E of § 18.2-340.34.

501 73. Personal information, as defined in § 2.1-379, provided to the Board of the Virginia Higher  
502 Education Tuition Trust Fund or its employees by or on behalf of individuals who have requested  
503 information about, applied for, or entered into prepaid tuition contracts pursuant to Chapter 4.9  
504 (§ 23-38.75 et seq.) of Title 23. Nothing in this subdivision shall be construed to prohibit disclosure or  
505 publication of information in a statistical or other form which does not identify individuals or provide  
506 personal information. Individuals shall be provided access to their own personal information.

507 74. Any record copied, recorded or received by the Commissioner of Health in the course of an  
508 examination, investigation or review of a managed care health insurance plan licensee pursuant to  
509 §§ 32.1-137.4 and 32.1-137.5, including books, records, files, accounts, papers, documents, and any or  
510 all computer or other recordings.

511 C. Neither any provision of this chapter nor any provision of Chapter 26 (§ 2.1-377 et seq.) of this  
512 title shall be construed as denying public access to contracts between a public official and a public  
513 body, other than contracts settling public employee employment disputes held confidential as personnel  
514 records under subdivision 3 of subsection B of this section, or to records of the position, job  
515 classification, official salary or rate of pay of, and to records of the allowances or reimbursements for  
516 expenses paid to, any public officer, official or employee at any level of state, local or regional  
517 government in the Commonwealth or to the compensation or benefits paid by any corporation organized  
518 by the Virginia Retirement System or its officers or employees. The provisions of this subsection,  
519 however, shall not apply to records of the official salaries or rates of pay of public employees whose  
520 annual rate of pay is \$10,000 or less.

521 D. No provision of this chapter shall be construed to afford any rights to any person incarcerated in  
522 a state, local or federal correctional facility, whether or not such facility is (i) located in the  
523 Commonwealth or (ii) operated pursuant to the Corrections Private Management Act (§ 53.1-261 et  
524 seq.). However, this subsection shall not be construed to prevent an incarcerated person from exercising  
525 his constitutionally protected rights, including but not limited to his rights to call for evidence in his  
526 favor in a criminal prosecution.

527 § 2.1-344. Executive or closed meetings.

528 A. Public bodies are not required to conduct executive or closed meetings. However, should a public  
529 body determine that an executive or closed meeting is desirable, such meeting shall be held only for the  
530 following purposes:

531 1. Discussion, consideration or interviews of prospective candidates for employment; assignment,  
532 appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public  
533 officers, appointees or employees of any public body; and evaluation of performance of departments or  
534 schools of state institutions of higher education where such matters regarding such specific individuals  
535 might be affected by such evaluation. Any teacher shall be permitted to be present during an executive  
536 session or closed meeting in which there is a discussion or consideration of a disciplinary matter which  
537 involves the teacher and some student or students and the student or students involved in the matter are  
538 present, provided the teacher makes a written request to be present to the presiding officer of the  
539 appropriate board.

540 2. Discussion or consideration of admission or disciplinary matters concerning any student or  
541 students of any state institution of higher education or any state school system. However, any such  
542 student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be  
543 permitted to be present during the taking of testimony or presentation of evidence at an executive or  
544 closed meeting, if such student, parents or guardians so request in writing and such request is submitted

545 to the presiding officer of the appropriate board.

546 3. Discussion or consideration of the condition, acquisition or use of real property for public purpose,  
547 or of the disposition of publicly held property, or of plans for the future of a state institution of higher  
548 education which could affect the value of property owned or desirable for ownership by such institution.

549 4. The protection of the privacy of individuals in personal matters not related to public business.

550 5. Discussion concerning a prospective business or industry or expansion of an existing business or  
551 industry where no previous announcement has been made of the business' or industry's interest in  
552 locating or expanding its facilities in the community.

553 6. The investing of public funds where competition or bargaining is involved, where, if made public  
554 initially, the financial interest of the governmental unit would be adversely affected.

555 7. Consultation with legal counsel and briefings by staff members, consultants or attorneys,  
556 pertaining to actual or probable litigation, or other specific legal matters requiring the provision of legal  
557 advice by counsel.

558 8. In the case of boards of visitors of state institutions of higher education, discussion or  
559 consideration of matters relating to gifts, bequests and fund-raising activities, and grants and contracts  
560 for services or work to be performed by such institution. However, the terms and conditions of any such  
561 gifts, bequests, grants and contracts made by a foreign government, a foreign legal entity or a foreign  
562 person and accepted by a state institution of higher education shall be subject to public disclosure upon  
563 written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign  
564 government" means any government other than the United States government or the government of a  
565 state or a political subdivision thereof; (ii) "foreign legal entity" means any legal entity created under the  
566 laws of the United States or of any state thereof if a majority of the ownership of the stock of such  
567 legal entity is owned by foreign governments or foreign persons or if a majority of the membership of  
568 any such entity is composed of foreign persons or foreign legal entities, or any legal entity created under  
569 the laws of a foreign government; and (iii) "foreign person" means any individual who is not a citizen  
570 or national of the United States or a trust territory or protectorate thereof.

571 9. In the case of the boards of trustees of the Virginia Museum of Fine Arts and The Science  
572 Museum of Virginia, discussion or consideration of matters relating to specific gifts, bequests, and  
573 grants.

574 10. Discussion or consideration of honorary degrees or special awards.

575 11. Discussion or consideration of tests or examinations or other documents excluded from this  
576 chapter pursuant to § 2.1-342 B 9.

577 12. Discussion, consideration or review by the appropriate House or Senate committees of possible  
578 disciplinary action against a member arising out of the possible inadequacy of the disclosure statement  
579 filed by the member, provided the member may request in writing that the committee meeting not be  
580 conducted in executive session.

581 13. Discussion of strategy with respect to the negotiation of a siting agreement or to consider the  
582 terms, conditions, and provisions of a siting agreement if the governing body in open meeting finds that  
583 an open meeting will have a detrimental effect upon the negotiating position of the governing body or  
584 the establishment of the terms, conditions and provisions of the siting agreement, or both. All  
585 discussions with the applicant or its representatives may be conducted in a closed meeting or executive  
586 session.

587 14. Discussion by the Governor and any economic advisory board reviewing forecasts of economic  
588 activity and estimating general and nongeneral fund revenues.

589 15. Discussion or consideration of medical and mental records excluded from this chapter pursuant to  
590 § 2.1-342 B 3, and those portions of disciplinary proceedings by any regulatory board within the  
591 Department of Professional and Occupational Regulation or Department of Health Professions conducted  
592 pursuant to § 9-6.14:11 or § 9-6.14:12 during which the board deliberates to reach a decision.

593 16. Discussion, consideration or review of State Lottery Department matters related to proprietary  
594 lottery game information and studies or investigations exempted from disclosure under subdivisions 37  
595 and 38 of subsection B of § 2.1-342.

596 17. Those portions of meetings by local government crime commissions where the identity of, or  
597 information tending to identify, individuals providing information about crimes or criminal activities  
598 under a promise of anonymity is discussed or disclosed.

599 18. Discussion, consideration, review and deliberations by local community corrections resources  
600 boards regarding the placement in community diversion programs of individuals previously sentenced to  
601 state correctional facilities.

602 19. [Repealed.]

603 20. Those portions of meetings in which the Board of Corrections discusses or discloses the identity  
604 of, or information tending to identify, any prisoner who (i) provides information about crimes or  
605 criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the

606 apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders  
607 other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

608 21. Discussion of plans to protect public safety as it relates to terrorist activity.

609 22. In the case of corporations organized by the Virginia Retirement System, discussion or  
610 consideration of (i) proprietary information provided by, and financial information concerning,  
611 coventurers, partners, lessors, lessees, or investors, and (ii) the condition, acquisition, disposition, use,  
612 leasing, development, coventuring, or management of real estate the disclosure of which would have a  
613 substantial adverse impact on the value of such real estate or result in a competitive disadvantage to the  
614 corporation or subsidiary.

615 23. Those portions of meetings in which individual child death cases are discussed by the State Child  
616 Fatality Review Team established pursuant to § 32.1-283.1 *and those portions of meetings in which*  
617 *individual death cases are discussed by family violence fatality review teams established pursuant to*  
618 *§ 32.1-283.2.*

619 24. Those portions of meetings of the University of Virginia Board of Visitors and those portions of  
620 meetings of any persons to whom management responsibilities for the University of Virginia Medical  
621 Center have been delegated, in which there is discussed proprietary, business-related information  
622 pertaining to the operations of the University of Virginia Medical Center, including its business  
623 development or marketing strategies and its activities with existing or future joint venturers, partners, or  
624 other parties with whom the University of Virginia Medical Center has formed, or forms, any  
625 arrangement for the delivery of health care, if disclosure of such information would be harmful to the  
626 competitive position of the Medical Center.

627 25. In the case of the Medical College of Virginia Hospitals Authority, discussion or consideration of  
628 any of the following: the condition, acquisition, use or disposition of real or personal property;  
629 operational plans that could affect the value of property, real or personal, owned or desirable for  
630 ownership by the Authority; matters relating to gifts, bequests and fund-raising activities; grants and  
631 contracts for services or work to be performed by the Authority; marketing or operational strategies  
632 where disclosure of such strategies would be harmful to the competitive position of the Authority;  
633 members of its medical and teaching staffs and qualifications for appointments thereto; and qualifications  
634 or evaluations of other employees.

635 26. Those portions of the meetings of the Intervention Program Committee within the Department of  
636 Health Professions to the extent such discussions identify any practitioner who may be, or who actually  
637 is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

638 27. Those meetings or portions of meetings of the Board of the Virginia Higher Education Tuition  
639 Trust Fund wherein personal information, as defined in § 2.1-379, which has been provided to the Board  
640 or its employees by or on behalf of individuals who have requested information about, applied for, or  
641 entered into prepaid tuition contracts pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23 is  
642 discussed.

643 B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in an  
644 executive or closed meeting shall become effective unless the public body, following the meeting,  
645 reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule,  
646 contract, regulation or motion which shall have its substance reasonably identified in the open meeting.  
647 This section shall not be construed to (i) require the disclosure of any contract between the Intervention  
648 Program Committee within the Department of Health Professions and an impaired practitioner entered  
649 into pursuant to Chapter 25.1 of Title 54.1 or (ii) require the board of directors of any authority created  
650 pursuant to the Industrial Development and Revenue Bond Act (§ 15.1-1373 et seq.), or any public body  
651 empowered to issue industrial revenue bonds by general or special law, to identify a business or industry  
652 to which subdivision A 5 of this section applies. However, such business or industry must be identified  
653 as a matter of public record at least thirty days prior to the actual date of the board's authorization of  
654 the sale or issuance of such bonds.

655 C. Public officers improperly selected due to the failure of the public body to comply with the other  
656 provisions of this section shall be de facto officers and, as such, their official actions are valid until they  
657 obtain notice of the legal defect in their election.

658 D. Nothing in this section shall be construed to prevent the holding of conferences between two or  
659 more public bodies, or their representatives, but these conferences shall be subject to the same  
660 regulations for holding executive or closed sessions as are applicable to any other public body.

661 § 32.1-283.2. *Family violence fatality review teams established; model protocol and data*  
662 *management; membership; authority; confidentiality, etc.*

663 A. *The Chief Medical Examiner shall develop a model protocol for the development and*  
664 *implementation of local family violence fatality review teams (hereinafter "teams") which shall include*  
665 *relevant procedures for conducting reviews of fatal family violence incidents. A "fatal family violence*  
666 *incident" means any fatality, whether homicide or suicide, occurring as a result of abuse between family*

667 members or intimate partners. The Chief Medical Examiner shall provide technical assistance to the  
668 local teams and serve as a clearinghouse for information.

669 B. Subject to available funding, the Chief Medical Examiner shall provide ongoing surveillance of  
670 fatal family violence occurrences and promulgate an annual report based on accumulated data.

671 C. Any county or city, or combination of counties, cities or counties and cities may establish a family  
672 violence fatality review team to examine fatal family violence incidents and to create a body of  
673 information to help prevent future family violence fatalities. The team shall have the authority to review  
674 the facts and circumstances of all fatal family violence incidents that occur within its designated  
675 geographic area.

676 D. Membership in the team may include, but shall not be limited to: health care professionals,  
677 representatives from the local bar, attorneys for the Commonwealth, judges, law-enforcement officials,  
678 criminologists, the medical examiner, other experts in forensic medicine and pathology, family violence  
679 victim advocates, health department professionals, probation and parole professionals, adult and child  
680 protective services professionals, and representatives of family violence local coordinating councils.

681 E. Each team shall establish local rules and procedures to govern the review process prior to the  
682 first fatal family violence incident review conducted. The review of a death shall be delayed until any  
683 criminal investigations or prosecutions connected with the death are completed.

684 F. All information and records obtained or created regarding the review of a fatality shall be  
685 confidential and shall be excluded from the Virginia Freedom of Information Act (§ 2.1-340 et seq.)  
686 pursuant to subdivision 59 of subsection B of § 2.1-342. All such information and records shall be used  
687 by the team only in the exercise of its proper purpose and function and shall not be disclosed. Such  
688 information or records shall not be subject to subpoena, subpoena duces tecum or discovery or be  
689 admissible in any criminal or civil proceeding. If available from other sources, however, such  
690 information and records shall not be immune from subpoena, subpoena duces tecum, discovery or  
691 introduction into evidence when obtained through such other sources solely because the information and  
692 records were presented to the team during a fatality review. No person who participated in the review  
693 nor any member of the team shall be required to make any statement as to what transpired during the  
694 review or what information was collected during the review. Upon the conclusion of the fatality review,  
695 all information and records concerning the victim and the family shall be returned to the originating  
696 agency or destroyed. However, the findings of the team may be disclosed or published in statistical or  
697 other form which shall not identify individuals. The portions of meetings in which individual cases are  
698 discussed by the team shall be closed pursuant to subdivision 23 of subsection A of § 2.1-344. All team  
699 members, persons attending closed team meetings, and persons presenting information and records on  
700 specific fatalities to the team during closed meetings shall execute a sworn statement to honor the  
701 confidentiality of the information, records, discussions, and opinions disclosed during any closed  
702 meeting to review a specific death. Violations of this subsection shall be punishable as a Class 3  
703 misdemeanor.

704 G. Members of teams, as well as their agents and employees, shall be immune from civil liability for  
705 any act or omission made in connection with participation in a family violence fatality review, unless  
706 such act or omission was the result of gross negligence or willful misconduct. Any organization,  
707 institution, or person furnishing information, data, testimony, reports or records to review teams as part  
708 of such review shall be immune from civil liability for any act or omission in furnishing such  
709 information, unless such act or omission was the result of gross negligence or willful misconduct.