



Central (Mechanicsville)



Northern (Manassas)



Eastern (Norfolk)



Western (Roanoke)

Virginia's Freedom of Information Act (FOIA)

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Virginia FOIA (Virginia Code §§ 2.2-3700 *et seq.*)



*By enacting this chapter, the General Assembly ensures the people of the Commonwealth **ready access to public records** in the custody of a public body or its officers and employees **and free entry to meetings** of public bodies wherein the business of the people is being conducted. The affairs of government are not intended to be conducted in an atmosphere of secrecy since at all times the public is to be the beneficiary of any action taken at any level of government.*

*Unless a public body or its officers and employees specifically elect to exercise an exemption provided by this chapter or any other statute, **every meeting shall be open to the public and all public records shall be available for inspection and copying upon request.** All public records and meetings shall be presumed open, unless an exemption is properly invoked.*

Virginia Code § 2.2-3700(B)



Two Parts

PUBLIC RECORDS



PUBLIC MEETINGS





PUBLIC RECORDS

- A public record is all writing and recordings, in whatever form, however stored, “prepared or owned by or in the possession of a public body or its officers, employees, or agents in the transaction of public business.”
- Records of the Scientific Advisory Committee (materials, minutes, recordings, etc.) are maintained by the Department.
- Biggest category for an individual member is correspondence/subject files (including email) on SAC business. If you are only corresponding with DFS staff—we maintain it.
- Correspondence records should be maintained for a period of three years after end of calendar year under Library of Virginia record retention schedule.
- The Chair’s correspondence must be maintained indefinitely.



PUBLIC MEETINGS

- A public meeting is any gathering, including work sessions, of three or more members of the constituent body where the members discuss or transact public business of the public body.
- Emails may constitute a “meeting” if there is simultaneous email communication between three or more members of the public body.





PUBLIC MEETINGS

- Minutes must be taken.
- There can be no secret or written ballots.
- Closed meetings are allowed under an exception for the SAC when discussing criminal investigative files. *See Virginia Code § 2.2-3711(35)*

Members can participate electronically if (i) for one of the enumerated reasons and (ii) appropriate procedures are followed:

- The public body must have a policy, and
- If a member is participating remotely, it must be noted in the minutes (including the reason).

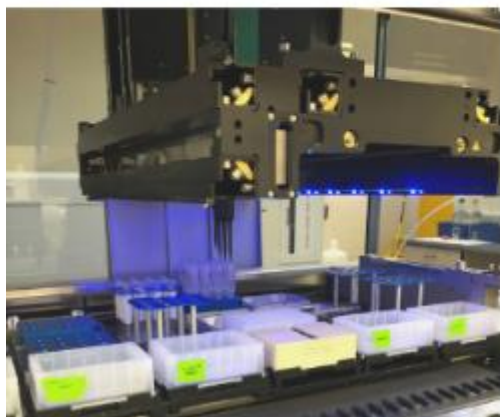
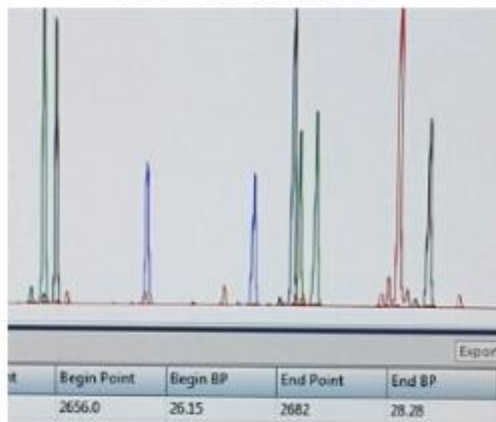


PUBLIC MEETINGS



All virtual public meetings are permitted (for the SAC—one per year and they cannot be consecutive).

- The public must have access and be able to comment.
- The public must be able to hear and see the members of the public body (if audio-visual technology is available).
- No more than 2 members of the body can be together at any one remote location unless that location is open to the public.



Thank you!