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HOUSE BILL NO. 974

Offered January 22, 1996

A BILL to amend and reenact § 2.1-342 of the Code of Virginia, relating to freedom of information; exceptions.

Patron—Robinson

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That § 2.1-342 of the Code of Virginia is amended and reenacted 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.

In any case where a public body determines in advance that search and copying charges for

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60 producing the requested documents are likely to exceed \$200, the public body may, before continuing to
61 process the request, require the citizen requesting the information to agree to payment of an amount not
62 to exceed the advance determination by five percent. The period within which the public body must
63 respond under this section shall be tolled for the amount of time that elapses between notice of the
64 advance determination and the response of the citizen requesting the information.

65 Official records maintained by a public body on a computer or other electronic data processing
66 system which are available to the public under the provisions of this chapter shall be made reasonably
67 accessible to the public at reasonable cost.

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

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

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

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

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

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

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

108 Where the person who is the subject of medical records is confined in a state or local correctional
109 facility, the administrator or chief medical officer of such facility may assert such confined person's right
110 of access to the medical records if the administrator or chief medical officer has reasonable cause to
111 believe that such confined person has an infectious disease or other medical condition from which other
112 persons so confined need to be protected. Medical records shall be reviewed only and shall not be
113 copied by such administrator or chief medical officer. The information in the medical records of a
114 person so confined shall continue to be confidential and shall not be disclosed to any person except the
115 subject by the administrator or chief medical officer of the facility or except as provided by law.

116 For the purposes of this chapter such statistical summaries of incidents and statistical data concerning
117 patient abuse as may be compiled by the Commissioner of the Department of Mental Health, Mental
118 Retardation and Substance Abuse Services shall be open to inspection and releasable as provided in
119 subsection A of this section. No such summaries or data shall include any patient-identifying
120 information. Where the person who is the subject of scholastic or medical and mental records is under
121 the age of eighteen, his right of access may be asserted only by his guardian or his parent, including a

122 noncustodial parent, unless such parent's parental rights have been terminated or a court of competent
123 jurisdiction has restricted or denied such access. In instances where the person who is the subject thereof
124 is an emancipated minor or a student in a state-supported institution of higher education, such right of
125 access may be asserted by the subject person.

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

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

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

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

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

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

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

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

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

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

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

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

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

174 14. Proprietary information gathered by or for the Virginia Port Authority as provided in
175 § 62.1-132.4 or § 62.1-134.1.

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

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

182 17. Data, records or information of a proprietary nature produced or collected by or for faculty or

183 staff of state institutions of higher learning, other than the institutions' financial or administrative
184 records, in the conduct of or as a result of study or research on medical, scientific, technical or scholarly
185 issues, whether sponsored by the institution alone or in conjunction with a governmental body or a
186 private concern, where such data, records or information has not been publicly released, published,
187 copyrighted or patented.

188 18. Financial statements not publicly available filed with applications for industrial development
189 financings.

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

193 20. Confidential proprietary records, voluntarily provided by private business pursuant to a promise
194 of confidentiality from the Department of Economic Development, the Virginia Economic Development
195 Partnership, or local or regional industrial or economic development authorities or organizations, used by
196 the Department, the Partnership, or such entities for business, trade and tourism development; and
197 memoranda, working papers or other records related to businesses that are considering locating or
198 expanding in Virginia, prepared by the Partnership, where competition or bargaining is involved and
199 where, if such records are made public, the financial interest of the governmental unit would be
200 adversely affected.

201 21. Information which was filed as confidential under the Toxic Substances Information Act
202 (§ 32.1-239 et seq.), as such Act existed prior to July 1, 1992.

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

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

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

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

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

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

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

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

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

229 31. Investigative notes; proprietary information not published, copyrighted or patented; information
230 obtained from employee personnel records; personally identifiable information regarding residents,
231 clients or other recipients of services; and other correspondence and information furnished in confidence
232 to the Department of Social Services in connection with an active investigation of an applicant or
233 licensee pursuant to Chapters 9 (§ 63.1-172 et seq.) and 10 (§ 63.1-195 et seq.) of Title 63.1; however,
234 nothing in this section shall prohibit disclosure of information from the records of completed
235 investigations in a form that does not reveal the identity of complainants, persons supplying information,
236 or other individuals involved in the investigation.

237 32. Reports, manuals, specifications, documents, minutes or recordings of staff meetings or other
238 information or materials of the Virginia Board of Corrections, the Virginia Department of Corrections or
239 any institution thereof to the extent, as determined by the Director of the Department of Corrections or
240 his designee or of the Virginia Board of Youth and Family Services, the Virginia Department of Youth
241 and Family Services or any facility thereof to the extent as determined by the Director of the
242 Department of Youth and Family Services, or his designee, that disclosure or public dissemination of
243 such materials would jeopardize the security of any correctional or juvenile facility or institution, as
244 follows:

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

246 (ii) Engineering and architectural drawings of correctional and juvenile facilities, and operational

247 specifications of security systems utilized by the Departments, provided the general descriptions of such

248 security systems, cost and quality shall be made available to the public;

249 (iii) Training manuals designed for correctional and juvenile facilities to the extent that they address

250 procedures for institutional security, emergency plans and security equipment;

251 (iv) Internal security audits of correctional and juvenile facilities, but only to the extent that they

252 specifically disclose matters described in (i), (ii), or (iii) above or other specific operational details the

253 disclosure of which would jeopardize the security of a correctional or juvenile facility or institution;

254 (v) Minutes or recordings of divisional, regional and institutional staff meetings or portions thereof to

255 the extent that such minutes deal with security issues listed in (i), (ii), (iii), and (iv) of this subdivision;

256 (vi) Investigative case files by investigators authorized pursuant to § 53.1-16; however, nothing in

257 this section shall prohibit the disclosure of information taken from inactive reports in a form which does

258 not reveal the identity of complainants or charging parties, persons supplying information, confidential

259 sources, or other individuals involved in the investigation, or other specific operational details the

260 disclosure of which would jeopardize the security of a correctional or juvenile facility or institution;

261 nothing herein shall permit the disclosure of materials otherwise exempt as set forth in subdivision 1 of

262 subsection B of this section;

263 (vii) Logs or other documents containing information on movement of inmates, juvenile clients or

264 employees; and

265 (viii) Documents disclosing contacts between inmates, juvenile clients and law-enforcement

266 personnel.

267 Notwithstanding the provisions of this subdivision, reports and information regarding the general

268 operations of the Departments, including notice that an escape has occurred, shall be open to inspection

269 and copying as provided in this section.

270 33. Personal information, as defined in § 2.1-379, (i) filed with the Virginia Housing Development

271 Authority concerning individuals who have applied for or received loans or other housing assistance or

272 who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by

273 the Virginia Housing Development Authority, (ii) concerning persons participating in or persons on the

274 waiting list for federally funded rent-assistance programs, or (iii) filed with any local redevelopment and

275 housing authority created pursuant to § 36-4 concerning persons participating in or persons on the

276 waiting list for housing assistance programs funded by local governments or by any such authority.

277 However, access to one's own information shall not be denied.

278 34. Documents regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441,

279 if disclosure of them would have a detrimental effect upon the negotiating position of a governing body

280 or on the establishment of the terms, conditions and provisions of the siting agreement.

281 35. Appraisals and cost estimates of real property subject to a proposed purchase, sale or lease, prior

282 to the completion of such purchase, sale or lease.

283 36. Records containing information on the site specific location of rare, threatened, endangered or

284 otherwise imperiled plant and animal species, natural communities, caves, and significant historic and

285 archaeological sites if, in the opinion of the public body which has the responsibility for such

286 information, disclosure of the information would jeopardize the continued existence or the integrity of

287 the resource. This exemption shall not apply to requests from the owner of the land upon which the

288 resource is located.

289 37. Official records, memoranda, working papers, graphics, video or audio tapes, production models,

290 data and information of a proprietary nature produced by or for or collected by or for the State Lottery

291 Department relating to matters of a specific lottery game design, development, production, operation,

292 ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to

293 holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning,

294 advertising, or marketing, where such official records have not been publicly released, published,

295 copyrighted or patented. Whether released, published or copyrighted, all game-related information shall

296 be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game

297 to which it pertains.

298 38. Official records of studies and investigations by the State Lottery Department of (i) lottery

299 agents, (ii) lottery vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the

300 law or regulations which cause abuses in the administration and operation of the lottery and any

301 evasions of such provisions, or (v) use of the lottery as a subterfuge for organized crime and illegal

302 gambling where such official records have not been publicly released, published or copyrighted. All

303 studies and investigations referred to under subdivisions (iii), (iv) and (v) shall be subject to public

304 disclosure under this chapter upon completion of the study or investigation.

305 39. Those portions of engineering and construction drawings and plans submitted for the sole purpose

306 of complying with the building code in obtaining a building permit which would identify specific trade
307 secrets or other information the disclosure of which would be harmful to the competitive position of the
308 owner or lessee; however, such information shall be exempt only until the building is completed.
309 Information relating to the safety or environmental soundness of any building shall not be exempt from
310 disclosure.

311 40. [Repealed.]

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

315 42. Information and records collected for the designation and verification of trauma centers and other
316 specialty care centers within the Statewide Emergency Medical Care System pursuant to § 32.1-112.

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

318 44. [Repealed.]

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

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

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

339 48. Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections
340 provided to the Department of Rail and Public Transportation, provided such information is exempt
341 under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws
342 administered by the Interstate Commerce Commission or the Federal Rail Administration with respect to
343 data provided in confidence to the Interstate Commerce Commission and the Federal Railroad
344 Administration.

345 49. In the case of corporations organized by the Virginia Retirement System, RF&P Corporation and
346 its wholly owned subsidiaries, (i) proprietary information provided by, and financial information
347 concerning, coventurers, partners, lessors, lessees, or investors, and (ii) records concerning the condition,
348 acquisition, disposition, use, leasing, development, coventuring, or management of real estate the
349 disclosure of which would have a substantial adverse impact on the value of such real estate or result in
350 a competitive disadvantage to the corporation or subsidiary.

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

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

357 52. Patient level data collected by the Virginia Health Services Cost Review Council and not yet
358 processed, verified, and released, pursuant to § 9-166.7, to the Council by the nonprofit organization
359 with which the Executive Director has contracted pursuant to § 9-166.4.

360 53. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue and
361 cost projections provided by a private transportation business to the Virginia Department of
362 Transportation and the Department of Rail and Public Transportation for the purpose of conducting
363 transportation studies needed to obtain grants or other financial assistance under the Intermodal Surface
364 Transportation Efficiency Act of 1991 (P.L. 102-240) for transportation projects, provided such
365 information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce
366 Act or other laws administered by the Interstate Commerce Commission or the Federal Rail
367 Administration with respect to data provided in confidence to the Interstate Commerce Commission and

368 the Federal Railroad Administration. However, the exemption provided by this subdivision shall not
369 apply to any wholly owned subsidiary of a public body.

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

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

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

379 b. Surveillance techniques;

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

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

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

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

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

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

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

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

392 (ii) Surveillance techniques;

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

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

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

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

398 a. Number of employees present during each shift;

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

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

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

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

405 59. All information and records acquired during a review of any child death by the State Child
406 Fatality Review Team established pursuant to § 32.1-283.1.

407 60. Investigative notes, correspondence, documentation and information provided to or produced by
408 or for the committee or the auditor with respect to an investigation or audit conducted pursuant to
409 § 15.1-765.2. Nothing in this section shall prohibit disclosure of information from the records of
410 completed investigations or audits in a form that does not reveal the identity of complainants or persons
411 supplying information.

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

415 C. Neither any provision of this chapter nor any provision of Chapter 26 (§ 2.1-377 et seq.) of this
416 title shall be construed as denying public access to contracts between a public official and a public
417 body, other than contracts settling public employee employment disputes held confidential as personnel
418 records under subdivision 3 of subsection B of this section, or to records of the position, job
419 classification, official salary or rate of pay of, and to records of the allowances or reimbursements for
420 expenses paid to, any public officer, official or employee at any level of state, local or regional
421 government in the Commonwealth or to the compensation or benefits paid by any corporation organized
422 by the Virginia Retirement System, RF&P Corporation and its wholly owned subsidiaries, to their
423 officers or employees. The provisions of this subsection, however, shall not apply to records of the
424 official salaries or rates of pay of public employees whose annual rate of pay is \$10,000 or less.