

## Virginia – State Public Record Laws

<b>Citations</b>	<p>Code of Virginia, § 42.1-77 through 42.1-91</p> <ul style="list-style-type: none"> <li>• (<a href="http://law.lis.virginia.gov/vacode/title2.2/chapter37/">http://law.lis.virginia.gov/vacode/title2.2/chapter37/</a>)</li> </ul>
<b>Exemptions to Disclosure</b>	<p>§ 2.2-3705.4 states that the following records are exempt:</p> <ul style="list-style-type: none"> <li>• Data, records or information of a proprietary nature produced or collected by or for faculty or staff of public institutions of higher education, other than the institutions' financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical or scholarly issues, whether sponsored by the institution alone or in conjunction with a governmental body or a private concern, where such data, records or information has not been publicly released, published, copyrighted or patented.</li> </ul> <p>In addition, the following are exempt:</p> <ul style="list-style-type: none"> <li>• Trade secrets;</li> <li>• Locations of sensitive environmental material;</li> <li>• Personal records</li> </ul>
<b>Access Rights</b>	<ul style="list-style-type: none"> <li>• Any Virginia citizen (note that the U.S. Supreme Court ruled that Virginia does not have to provide document access to out-of-state individuals)</li> <li>• No statement of purpose is necessary</li> <li>• Virginia allows fees to be charged for the cost of duplication and also for the cost of search and maintenance of equipment and databases. Advanced payment is only required of requests that will cost \$200 or more</li> <li>• Requester must identify the document with reasonable specificity</li> <li>• Custodian of records must respond within 5 business days</li> <li>• Failure to respond to a request deemed a denial</li> <li>• A public body may not withhold a record in its entirety because a portion of the record is exempt for disclosure</li> </ul>
<b>Destruction of Public Records</b>	<p>§ 42.1-86.1. Disposition of public records. No agency shall sell or give away public records. No agency shall destroy or discard a public record unless (i) the record appears on a records retention and disposition schedule approved pursuant to § <a href="#">42.1-82</a> and the record's retention period has expired; (ii) a certificate of records destruction, as designated by the Librarian of Virginia, has been properly completed and approved by the agency's designated records officer; and (iii) there is no litigation, audit, investigation, request for records pursuant to the Virginia Freedom of Information Act (§ <a href="#">2.2-3700</a> et seq.), or renegotiation of the relevant records retention and disposition schedule pending at the expiration of the retention period for the applicable records series. After a record is destroyed or discarded, the agency shall forward the original certificate of records destruction to The Library of Virginia.</p>