Greetings, Friend of VCOG!

U.S. Supreme Court upholds Virginia's citizens-only FOIA limitation

In a unanimous decision issued April 29, the U.S. Supreme Court said Virginia can continue to deny FOIA requests from non-state residents without violating the constitution.

The opinion, authored by Justice Samuel Alito, said the limitation did not violate the Privileges & Immunities Clause, which generally protects citizens of one state from certain kinds of discrimination in another state.

Along the way, the high court called FOIA a "service," said the state's treatment of out-of-state residents was justified since they didn't "foot the bill" of maintaining the records and called tax assessment records "less essential" than other real estate records.

The Attorney General hailed the decision as one supporting Virginia taxpayers, while access advocates, and media interests roundly criticized the opinion if not the ultimate ruling (which many expected).

VCOG's Megan Rhyne said the opinion gave short shrift to the way in which citizens use records to help make sense of their work and the impact of government on it.

Go to the VCOG website for a round-up of news stories
Thanks to a grant from the National FOI Coalition, VCOG is redesigning its website, replacing it with a much cleaner and pared down look that will adapt easily to multiple smart phone and tablet displays. The site, which will feature past and future Transparency News issues, will be live by the month's end. At left is a screen shot of what you can expect.

**FOIA car magnets**
VCOG FOIA magnets are available for $5 on VCOG's website. It's also easy to add a VCOG membership to your purchase. Once you have your magnet in place, post a picture of it to VCOG's Facebook page, or attach it to a tweet with the hashtag #vaFOIA.

**FOIA Council updates**

- **FOIA Council opinion AO-01-13**: Generally, records submitted by a private company to a state agency as required by regulation are public records subject to FOIA. Marking such records proprietary and confidential does not, by itself, make them exempt from mandatory disclosure; records are only exempt if there is a specific provision of law that allows them to be withheld.

- **FOIA Council opinion AO-02-13**: FOIA is silent regarding the logistics of holding a public meeting. In a situation where the meeting room lacks the capacity to accommodate all those who wish to attend, the best practice is to move to a larger venue and use technology to increase public access, when possible.

Additionally, two subcommittees of the FOIA Council will both meet on Monday, May 20, 2013, in the Fifth Floor East Conference Room of the General Assembly Building, 201 N. 9th Street, Richmond, Virginia 23219.

**The Rights and Responsibilities**

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Sign up for VCOG's daily listserv on access and First Amendment news from Virginia and across the country. It's free!

For a steady stream of access-related stories and additional commentary and information, join the more than 400 people who are following VCOG on Twitter. The latest six posts are also carried on our website.

**Open government in the news**

**Huguely camera case headed to Virginia Supreme Court**
The Virginia Supreme Court will consider a case brought by WVIR-29, an NBC television affiliate in Charlottesville, to clarify just how much discretion a trial judge has in excluding cameras at trial.

The case began when Circuit Judge Edward L. Hogshire denied the station's request to bring cameras inside the courtroom to cover the sentencing of George Huguely V, the former UVa lacrosse player who was convicted last year of murder of his ex-girlfriend.

As spelled out in an amicus brief filed by the Virginia Association of Broadcasters (a VCOG member), the statute governing camera access says in one place that permitting cameras is "solely in [the] discretion" of the trial court, while there is also support for the notion that cameras can be excluded only for "good cause."

A ruling in the case will hopefully clarify whether it is one or the other, or at least will explain how the two sections work together.

The case is *Virginia Broadcasting Corp. v. Commonwealth*, No. 122013. For a more detailed look at the case, read the Virginia Lawyers Weekly blog post on it.

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Subcommittee will meet at 10:30 to study HB 2125 (Keam - to open FOIA to non-Virginia residents), HB 2321 (Surovell - to subject the State Corporation Commission to FOIA), and SB 1371 (Stuart - to create a remedy for governments sued by someone who has harassed them by FOIA). The Subcommittee consists of Council members Stephanie Hamlett, Ed Jones, Frosty Landon, James Schliessmann, and Bob Tavenner, as well as industry representative David Ogburn.

The Electronic Meetings Subcommittee will meet at 1:30 to study HB 2032 (May - to allow regional bodies to meet by the same electronic means as state agencies) and SB 889 (Black - to allow school boards to meet by the same electronic means as state agencies). The Subcommittee consists of Council members Kathleen Dooley, Stephanie Hamlett, John Selph, and George Whitehurst.

during his 16-day trip to California and Asia. During a chat with reporters, however, he did say he was meeting with famed Hollywood director Steven Spielberg. Later, the governor’s staff released records showing the estimated $332,000 the trip would cost....Richmond’s mayor dropped his plan to place all of the city’s public information functions, including those of the police department, under the control of his press secretary. Shortly thereafter, the police department announced it had recovered a missing flash drive full of sensitive police information.

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Our IRS W9 form can be found here, and feel free to ask for a copy of our IRS 990 and our FY11-12 financial review.

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Virginia Coalition for Open Government
P.O. Box 2576
Williamsburg, Virginia 23187
US
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