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**Happy
Independence
Day!**



And did you know? The federal Freedom of Information Act turns 45 on July 4!

The Sunshine Report: Online Transparency news from the Virginia Coalition for Open Government **July 2011**

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Coalition News

SAVE THE DATE!!

VCOG's annual conference is scheduled for **Saturday, Oct. 29, 2011, at Monticello!** The conference will be held in the education center at Thomas Jefferson's historic home and will include a presentation by museum staff. Watch future Sunshine Report newsletters and check our website for details and more information.

Jaquith wins \$165K grant

VCOG board member Waldo Jacquith and The Miller Center Foundation secured a \$165,000 grant from the John S. and James L. Knight Foundation to create an online program to make Virginia's statutes easier to

Greetings, Friend of VCOG!

Applauding the good

A couple of weeks ago, I sent the Patrick County school system an email note congratulating them on their FOIA-tracking website.

In addition to offering VCOG's services for FOIA or records-management training, I added:

What a great way to reach out to the public. We love seeing proactive programs like this.

Judging by their recorded reaction on radio station WHEO, I think it made an impression.

[Listen to their radio reaction](#)

Questioning the questionable

Under FOIA's section 2.2-3705.1(10), the government can withhold from release the email addresses of citizens who have signed up for government email alerts. There's a catch, though: "provided that the electronic mail recipient has requested that the public body not disclose such information."

As I remember it, when the provision was drafted, it seemed to be understood that this meant citizens could "opt out" when they signed up for the email. Local

Virginia's statutes easier to understand. The grant will allow Jaquith to expand the beta version of his Virginia Decoded program, which connects the code to legislative history, case law, comments and more, to state codes around the country.

Welcome Michael Broome

University of Virginia rising-second year law student Michael Broome is VCOG's Richardson Fellow this summer. Broome is splitting his time between the Thomas Jefferson Center for the Protection of Free Expression and VCOG, where he has begun work on a state-by-state survey of statutes and case law related to access to law enforcement investigative files.

Watch your mailbox

The first batch of renewal notices for 2011-12 went out in mid-June. We now send renewal notices out on a rolling basis, so if you paid dues in August last year, your renewal notice will arrive in July, and so on. **Thank you to those who responded to their July renewal notices so quickly.** (And remember: you can renew online. VCOG now accepts PayPal.)

Stay up to date on access

The full FOI Advisory Council will meet Monday, July 18, at 1:30. Before that, at 11 a.m., the Council's subcommittee on criminal investigative records will meet.

Stay up to date on access

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 tweets are also

governments in particular made the option available on their online sign-up forms.

But the Goochland school district asked its subscribers if they wanted to opt out ***after they received a FOIA request*** for the names and addresses! In a subsequent lawsuit, Judge Timothy Sanner okayed the action, invoking the Government Data Collection and Dissemination Practices Act (which doesn't really apply to FOIA requests) and [rejecting the plaintiffs' argument](#) that the district violated FOIA by offering the opt-out option after the request instead of before.

Redaction-happy

Under Virginia's FOIA, records can be withheld in their entirety if an exemption could be applied to the entire record (e.g., a personnel record may be a personnel record all the way through).

But if only some of the record could be exempt (an employee's performance is mentioned within an otherwise non-exempt record), then the record should be released with the exempt portions redacted, or blacked out.

A redacted record is better than no record. But then there are the cases of Ridiculous Redaction.

Exhibit 1: At right is the document a Rhode Island newspaper received when it asked a police department for an arrest report in a particular case. To the department's credit, when questioned about the record, the department re-released the report a half-hour later with only occasional redactions.



Exhibit 2: After 40 years, landmark court cases and decades of analysis, the National Archives announced it would finally declassify the Pentagon Papers....except for 11 words that would be redacted and remain classified. Saner heads prevailed, and the final 11 words were declassified just prior to the June 13 publication.

Open government news

Invoking a little-used provision of FOIA, the Winchester

The latest six posts are also carried on [our website](#).

AND, you can also follow bits and pieces of interesting access news on VCOG's [Tumblr page](#).

YOU LIKE US! YOU REALLY LIKE US! (but won't you like us more?)



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City Council announced it would convene a closed meeting at an undisclosed location, at a time to be determined, to interview a potential city manager, leading [Bob Wooten at the Northern Virginia Daily](#) to complain that Virginia's FOIA "has more holes than a golf course with a gopher problem."....After the McLean Community Center board denied a FOIA request from the *McLean Patch* for access to a \$100,000 taxpayer-funded report on the disposition of an old teen center on the ground that it was part of a real estate negotiation, the McLean Citizens Association banded together to send the center its own request [with this note](#): "We urge openness by the (MCC board) as stewards of our tax dollars."....In the face of intense criticism from the public that it appeared the Spotsylvania County School Board "[did] not want to hear from their constituents," the board [backed off of a proposal](#) to shorten the public comment period and to require advance sign-up to speak at public meetings...[As reported in Politico](#), a Virginia federal magistrate rejected a request that her court make public detailed dockets on orders seeking information from internet services. Magistrate Theresa Buchanan said she'd "exhaustively researched" the issue. She concluded: "Although a docket entry must note that a sealing order has been entered, there exists no right to public notice of all the types of documents filed in a sealed case."

If you find VCOG's services and resources useful, consider making a donation or becoming a member. Your dues and/or donations go straight toward VCOG's modest operating budget and are 100% tax deductible

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