

# **Bond Case Briefs**

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## **PUBLIC RECORDS - VIRGINIA**

### **Hawkins v. Town of South Hill**

**Supreme Court of Virginia - October 20, 2022 - S.E.2d - 2022 WL 11420016**

Requester petitioned for writ of mandamus to compel town to produce documents requested under Virginia Freedom of Information Act (VFOIA) relating to employment disputes involving town manager.

The Mecklenburg Circuit Court granted petition in part. Requester appealed.

In a case of first impression, the Supreme Court held that:

- “Personnel information” under VFOIA exemption means private data, facts, or statements within a public record relating to a specific government employee, and
- Data, facts, and statements are “private” if disclosure would be an unwarranted invasion of personal privacy to a reasonable person.

The terms of the personnel information exemption of Virginia Freedom of Information Act (VFOIA) are to be narrowly construed to provide open access to public records.

Term “personnel,” under the personnel information exemption of Virginia Freedom of Information Act (VFOIA), means a body of persons employed in some service or government employees; the definition is narrowly limited to those employed by the government and does not encompass any individual whose information merely happens to appear in a public record.

For purposes of the personnel information exemption of Virginia Freedom of Information Act (VFOIA), the term “content,” as included in VFOIA’s definition of “information” as “the content within a public record that references a specifically identified subject matter,” means data, facts, or statements.

Term “personnel information,” for purposes of the personnel information exemption of Virginia Freedom of Information Act (VFOIA), means data, facts, or statements within a public record relating to a specific government employee, which are in the possession of the entity solely because of the individual’s employment relationship with the entity, and are private, but for the individual’s employment with the entity.