

Relating to the Protection of Certain Records in the Possession of Building Officials

This Act expands protections for public (state and local government) and private sector multi-family, office and retail buildings from public disclosure required under the state Freedom of Information Act (FOIA). The measure exempts critical infrastructure portions of engineering and construction drawings and plans from state FOIA requirements, the disclosure of which would jeopardize the safety or security of any public or private commercial, multi-family residential or retail building or its occupants in the event of terrorism or other threat to public safety. The measure requires the owner or lessee to invoke these protections in writing, identify the drawings, plans, or other materials to be protected; and state the reasons why protection is necessary. Lastly, the measure requires building officials to institute procedures to ensure these sensitive records are securely stored, handled, and released in accordance with law.

Submitted as
Virginia

| [Chapter 891 of 2003](#)

Status: Enacted into law in 2003.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act may be cited as "An Act to Exclude Portions of
2 Engineering and Construction Drawings and Plans that Reveal Critical Structural Components
3 from the state Freedom of Information Act."
4

5 Section 2. [*Exclusions to State Freedom of Information Act.*] The following records are
6 excluded from the provisions of [insert citation] but may be disclosed by the custodian in their
7 discretion, except where such disclosure is prohibited by law:

8 (A) Portions of engineering and construction drawings and plans that reveal critical
9 structural components, security equipment and systems, ventilation systems, fire protection
10 equipment, mandatory building emergency equipment or systems, elevators, electrical systems,
11 telecommunications equipment and systems, and other utility equipment and systems submitted
12 for the purpose of complying with the [Uniform Statewide Building Code] or the [Statewide Fire
13 Prevention Code], the disclosure of which would jeopardize the safety or security of any public
14 or private commercial office, multi-family residential or retail building or its occupants in the
15 event of terrorism or other threat to public safety, to the extent that the owner or lessee of such
16 property, equipment or system in writing:

17 (i) Invokes the protections of this paragraph;

18 (ii) Identifies the drawings, plans, or other materials to be protected; and

19 (iii) States the reasons why protection is necessary.

20 (B) Nothing in this subdivision shall prevent the disclosure of information relating to any
21 building in connection with an inquiry into the performance of that building after it has been
22 subjected to fire, explosion, natural disaster or other catastrophic event.
23

24 Section 3. [*Security of Certain Records.*] Building Code officials shall institute
25 procedures to ensure the safe storage and secure handling by local officials having access to or in

26 the possession of engineering and construction drawings and plans containing critical structural
27 components, security equipment and systems, ventilation systems, fire protection equipment,
28 mandatory building emergency equipment or systems, elevators, electrical systems,
29 telecommunications equipment and systems, and other utility equipment and systems submitted
30 for the purpose of complying with the [Uniform Statewide Building Code] or the [Statewide
31 Fire Prevention Code].
32

33 Section 4. [*Severability*.] [Insert severability clause.]

34

35 Section 5. [*Repealer*.] [Insert repealer clause.]

36

37 Section 6. [*Effective Date*.] [Insert effective date.]