

MOTION

To amend Ordinance No. 2025-240, which amends City Code § 2-1351, concerning definitions related to open data and a transparency program, and to amend ch. 2, art. VII, div. 4 of the City Code by adding therein a new section 2- 1361, concerning a Freedom of Information Act request library, for the purpose of establishing an online Freedom of Information Act library, to (i) modify certain definitions and the requirements related to the Library Notice and (ii) include a reporting requirement.

INTRODUCED: October 14, 2025

AN ORDINANCE No. 2025-240

As Amended

To amend City Code § 2-1351, concerning definitions related to open data and a transparency program, and to amend ch. 2, art. VII, div. 4 of the City Code by adding therein a new section 2-1361, concerning a Freedom of Information Act request library, for the purpose of establishing an online Freedom of Information Act library.

Patrons – Mayor Avula, Ms. Jones, Ms. Abubaker, Vice President Jordan and President Newbille

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: NOV 11 2025 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That section 2-1351 of the Code of the City of Richmond (2020) be and is hereby **amended** and reordained as follows:

Sec. 2-1351. Definitions.

For the purposes of this division, the words or terms used in this division shall be interpreted as set forth in this section, except where the context clearly indicates that a different meaning is intended:

Agency means a board, commission, department, office, or like organizational unit of the City.

AYES: _____ NOES: _____ ABSTAIN: _____

ADOPTED: _____ REJECTED: _____ STRICKEN: _____

Agency head means the highest ranking appointed, elected, or designated authority for an agency.

Data means factual, geospatial, narrative, qualitative, quantitative, statistical, tabular, or textual information, and datasets that are maintained or created by or on behalf of the City.

Dataset means a named collection containing related data, including metadata, formatted or organized in a prescribed or specific manner, such as in tabular form.

Freedom of Information Act Request Library means a publicly available webpage to publish public records requests, provided documentation, and associated costs.

FOIA manager means the Chief Administrative Officer or the designee thereof.

Legal encumbrance means a restriction on the use of data deriving from intellectual property rights under Federal or State law or from a contract to which the City is a party.

Library Notice means the notice set forth in Section 2-1361(d), which must be published on the city's website.

Machine-readable means any widely accepted, nonproprietary, platform-independent method for formatting data that permits automated processing of such data and facilitates search capabilities.

Open data means data that is made available to the public on the internet in an open format with no fee, legal encumbrance, or registration requirement.

Open data coordinator means a City employee designated by a deputy chief administrative officer for all of the agencies that deputy chief administrative officer is assigned to coordinate, or by the Chief Administrative Officer to represent those agencies the heads of which no deputy chief administrative officer is assigned to coordinate, to perform the duties set forth in Section 2-1355(b) and elsewhere in this division.

Open data management team means the open data program manager and all open data coordinators.

Open data portal means <https://data.richmondgov.com/> or a successor website established and maintained by or on behalf of the City.

Open data program manager means the Chief Administrative Officer or the designee thereof.

Open data review officer means a City employee designated by the Chief Administrative Officer to identify and resolve questions related to the appropriateness of the publication of data.

Open dataset means a dataset, published on the open data portal, access to which is free and open to the public without a requirement for registration.

Open format means a widely accepted, machine-readable, nonproprietary, platform-independent method of formatting and transmitting data that provides automated processing, analysis, and search functions.

Protected data means data access to which an agency is required by law to deny.

Sensitive data means data access to which an agency is allowed by law to deny.

§ 2. That Chapter 2, Article VII, Division 4 of the Code of the City of Richmond (2020) be and is hereby amended by **adding therein a new section** numbered 2-1361 as follows:

Sec. 2-1361. Freedom of Information Act Request Library.

(a) All requests for public records made pursuant to the Virginia Freedom of Information Act (Code of Virginia, §2.2-3700 et seq.) that meet the guidelines of ~~[a published rubric by the Chief Administrative Officer]~~ the Library Notice shall be made available to the FOIA Manager. The FOIA Manager shall ensure that all requests for public records meeting the guidelines of the ~~[approved rubric]~~ Library Notice, including requests made of the City Council, Mayor, city departments, and city boards and commissions, are published on the city's website via

a Freedom of Information Act Request Library.

(b) The Freedom of Information Act Request Library shall include the following for each request meeting the guidelines of the ~~[approved rubric]~~ Library Notice:

- (1) The receipt date for each request;
- (2) The completion date for each request, if applicable;
- (3) A copy or summary of each request;
- (4) The department or departments responsible for fulfilling each request;
- (5) Any fees or costs assigned for fulfilling each request; and
- (6) Access to any materials produced in response to each request.

(c) The Library Notice shall be published and prominently displayed on the city's website. The Library Notice shall include examples illustrating why a responsive record that is available pursuant to the Virginia Freedom of Information Act (Code of Virginia, §2.2-3700 et seq.) might not be available in the Freedom of Information Act Request Library.

(d) The language of the Library Notice shall be as follows:

(1) To ensure consistency, transparency, and compliance with the Virginia Freedom of Information Act while balancing privacy and security, this notice sets out criteria for determining which records produced in response to FOIA requests will be posted to the City's Freedom of Information Act Request Library.

(2) The City will post releasable, responsive records into the Freedom of Information Act Request Library that (a) are requested by two or more requesters; (b) contribute to public understanding of the City's operations, policies, or decision-making activities; (c) expose wrongdoing or misconduct of a public official, government employee or member of the public; (d) are relevant to the evaluation, performance, or

accountability of City programs or functions; or (e) are otherwise of sufficient public interest to warrant proactive disclosure in order to promote transparency, public understanding, or accountability in City operations.

(3) Records posted pursuant to this provision may contain legally required redactions, which shall be identical to those applied to the records provided to the original requester.

(4) The City will not post releasable, responsive records into the Freedom of Information Act Request Library, even if such records would otherwise be eligible to be included because they meet the criteria set forth above, if (a) the record contains strong privacy, security, or confidential information that could endanger an individual's safety or security or compromise a minor; (b) the record contains information that otherwise jeopardizes the privacy or reputation of a member of the public who is not a City employee or elected official; or (c) the requester is, or their dependents are, the subject of any materials produced in response to a request (consistent with any applicable exclusion found in the Virginia Freedom of Information Act, as amended, or any other law). For purposes of clause (c), a request made by an attorney on behalf of a client shall be treated as a request made by the client. Records will not be posted if redaction is insufficient to protect against misuse.

If you believe that a record has been omitted from the Freedom of Information Act Request Library in error, you may notify FOIA@rva.gov. Please include the following in your inquiry:

(1) The date of the original Freedom of Information Act request;

(2) The date the record or records were produced and posted to the Freedom

of Information Act Request Library;

(3) A copy or summary of the request;

(4) The name of the department or departments that produced the record or records;

(5) A copy of the record or records that you believe should be posted to the Freedom of Information Act Request Library; and

(6) The reason why the record or records should be posted.

The FOIA Manager shall respond within 30 days by either posting the subject records to the Freedom of Information Act Request Library or stating why the subject record does not qualify for posting.

(e) The FOIA manager shall submit to the City Council an annual report which must include (i) the number of requests for public records received by the City during the preceding year that have been published to the Freedom of Information Act Request Library and (ii) the number of requests for public records received by the City during the preceding year that have not been published to the Freedom of Information Act Request Library.

§ 3. This ordinance shall be in force on July 1, 2026