

Supreme Court to Hear State FOIA Case

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On October 5, 2012, the U.S. Supreme Court agreed to hear a FOIA case coming out of the federal court in Virginia. The case is *McBurney v. Young*, No. 12-17. The issue is whether, under the Privileges and Immunities Clause of Article IV and the dormant Commerce Clause of the United States Constitution, a state may preclude citizens of other states from enjoying the same right of access to public records that the state affords its own citizens.

The petitioners -- citizens of other states -- both filed FOIA requests with certain agencies within the Commonwealth of Virginia. Both agencies denied their requests, finding that the state's FOIA prohibits disclosure to out-of-state residents. The district court confirmed the denials, and the Fourth Circuit affirmed.