

COMMONWEALTH OF VIRGINIA

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GUIDANCE DOCUMENT REGARDING REQUESTS FOR SCC EFILE USER ACCOUNT INFORMATION

This guidance document memorializes the long-standing practice of the Clerk's Office, on advice of counsel and since the inception of SCC eFile, regarding requests for SCC eFile user account information. This guidance document has been developed based upon the Clerk's Office's review, with the assistance and advice of counsel, of its obligations related to Commission records pursuant to §12.1-19 of the Code of Virginia, and an assessment of the administrative or regulatory nature of SCC eFile information and records within the Clerk's Office possession or control.

The Clerk's Office considers information related to an individual's SCC eFile account to be regulatory in nature, because, among other matters, the SCC eFile system assists the Clerk's Office in performing its statutory and regulatory obligations. The Clerk's Office does not make available to the public information about an individual's SCC eFile account, by itself or in connection with any SCC eFile transaction. This information includes, among other things, the individual's name, address, telephone number, email address, and payment information. Requests for SCC eFile account information are subject to denial by the Clerk's Office pursuant to § 12.1-19 of the Code of Virginia, as well as any and all other applicable protections and/or privileges.

The Clerk's Office may disclose SCC eFile account information, without notification to an SCC eFile account holder, in response to appropriate legal process or for purposes of law enforcement.

Information that is part of a filing allowed or required under the applicable statutes (including filings concerning business entities under Title 13.1, partnerships under Title 50, and UCC documents under Title 8.9A of the Code of Virginia) will be publicly available if the filing is made through SCC eFile. Submission of a filing through SCC eFile, however, is not deemed to require or authorize public disclosure of information about the SCC eFile user account used to make such a filing.