

State of Arkansas
94th General Assembly
Regular Session, 2023

As Engrossed: S3/27/23 S3/29/23
A Bill

SENATE BILL 380

By: Senators A. Clark, J. Boyd

For An Act To Be Entitled

AN ACT TO AMEND THE FREEDOM OF INFORMATION ACT OF 1967; TO REQUIRE RECORDS CUSTODIANS TO RESPOND IN WRITING IN CERTAIN CIRCUMSTANCES UNDER THE FREEDOM OF INFORMATION ACT OF 1967; AND FOR OTHER PURPOSES.

Subtitle

TO REQUIRE RECORDS CUSTODIANS TO RESPOND IN WRITING IN CERTAIN CIRCUMSTANCES UNDER THE FREEDOM OF INFORMATION ACT OF 1967.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 25-19-105(a)(3), concerning the manner in which a citizen may request public records under the Freedom of Information Act of 1967, is amended to read as follows:

~~(3) If the person to whom the request is directed is not the custodian of the records, the person shall so notify the requester and identify the custodian, if known to or readily ascertainable by the person.~~
A custodian shall respond as follows in writing within the time period required under this section to a written request for public records:

(A) If no records exist that are responsive to the request, the custodian shall respond that no records exist;

(B) If any responsive records that exist are subject to exemptions under this chapter or other law, the custodian shall respond and identify the applicable exemptions; and

(C) If the custodian lacks administrative control over any responsive records that may exist, the custodian shall respond and identify



the appropriate custodian to direct the request to, if known or readily ascertainable.

SECTION 2. Arkansas Code § 25-19-105(a), concerning the manner in which a citizen may request public records under the Freedom of Information Act of 1967, is amended to add additional subdivisions to read as follows:

(4) A custodian's response under subdivision (a)(3) of this section may be delivered by electronic mail.

(5) If a custodian knowingly fails to respond as required under subdivision (a)(3), he or she shall be subject to the penalties in § 25-19-104 for a violation of this chapter.

(6) The requirements of this subsection do not affect the obligation of a custodian to immediately provide to the requestor any responsive records not in active use or storage.

/s/A. Clark

APPROVED: 4/13/23