

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

HOUSE BILL 1873

By: Representative Johnson

For An Act To Be Entitled

AN ACT TO CREATE A PROCEDURE FOR ADDRESSING UNDULY BURDENSOME REQUESTS FOR DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT OF 1967; TO AMEND THE FREEDOM OF INFORMATION ACT OF 1967; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE A PROCEDURE FOR ADDRESSING UNDULY BURDENSOME REQUESTS FOR DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT OF 1967; AND TO AMEND 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(e), concerning public records in storage, is amended to read as follows:

(e)(1) If Except as provided in subdivision (e)(2) of this section, if a public record is in active use or storage and therefore not available at the time a citizen asks to examine it, the custodian shall certify this fact in writing to the applicant and set a date and hour within three (3) working days at which time the record will be available for the exercise of the right given by this chapter.

(2)(A) A request under this section is unduly burdensome if the custodian determines in good faith that production of the record within three (3) days would substantially and unreasonably divert the resources of the government entity compelled to disclose the information from the other duties and obligations of the government entity.



(B) If the a request is unduly burdensome, the custodian shall:

(i) Within twenty-four (24) hours of receipt of the request make efforts to the fullest extent possible to notify the person requesting disclosure that production of the record is unduly burdensome and may not be disclosed for fourteen (14) days; and

(ii) Comply with the request within fourteen (14) days.

(C) If the request is unduly burdensome, the person requesting disclosure may:

(i) Withdraw his or her request; or

(ii) Substitute a narrowed request that is not unduly burdensome.

(3) If a narrowed request is substituted under subdivision (e)(2)(C)(ii) of this section, the custodian must comply with the request within three (3) days after the narrowed request is received.

(4) This section does not prevent a requester from seeking judicial review of the custodian's determination.