State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

SENATE BILL 521

By: Senator K. Hammer

For An Act To Be Entitled

AN ACT TO AMEND THE FREEDOM OF INFORMATION ACT OF 1967; TO AMEND THE DEFINITION OF "PUBLIC RECORDS"; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE FREEDOM OF INFORMATION ACT OF 1967; AND TO AMEND THE DEFINITION OF "PUBLIC RECORDS".

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

SECTION 1. Arkansas Code § 25-19-103(7), concerning the definition of "public records" under the Freedom of Information Act of 1967, is amended to read as follows:

"(7)(A) "Public records" means writings, recorded sounds, films, tapes, electronic or computer-based information, or data compilations in any medium required by law to be kept or otherwise kept and that constitute a record of the performance or lack of performance of official functions that are or should be carried out by a public official or employee, a governmental agency, <u>an entity under subdivision (7)(C) of this section,</u> or any other agency or improvement district that is wholly or partially supported by public funds or expending public funds. All records maintained in public offices or by public employees within the scope of their employment ~~shall be~~ <u>are</u> presumed to be public records.

(B) "Public records" does not mean software acquired by purchase, lease, or license~~;~~<u>.</u>

<u>(C)(i) "Public records" includes the records identified in</u>

subdivision (7)(A) of this section maintained by a private foundation with the primary purpose of providing direct financial support to a public university or college or public university or college employees;

(ii) "Public records" under subdivision (7)(C)(i) of this section does not include identifying information of donors, potential donors, non-donors, or individual donor amounts to the private foundation.