

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

HOUSE BILL 1626

By: Representatives Brooks, Scott

By: Senator K. Hammer

For An Act To Be Entitled

AN ACT TO AMEND THE FREEDOM OF INFORMATION ACT OF 1967; TO PERMIT A RECORDS CUSTODIAN TO DISCLOSE A PUBLIC EMPLOYEE'S GROSS SALARY AMOUNT WITHOUT ADVANCED NOTICE TO THE PUBLIC EMPLOYEE; TO PROVIDE THAT A PUBLIC EMPLOYEE IS NOT ENTITLED TO SEEK THE ATTORNEY GENERAL'S REVIEW OF A RECORDS CUSTODIAN'S DECISION TO DISCLOSE ONLY THE PUBLIC EMPLOYEE'S GROSS SALARY AMOUNT; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE PROCESS GOVERNING THE DISCLOSURE OF A PUBLIC EMPLOYEE'S GROSS SALARY AMOUNT UNDER THE FREEDOM OF INFORMATION ACT.

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

SECTION 1. Arkansas Code § 25-19-105(c)(3), concerning the requirement that a records custodian notify a public employee of a records request that seeks the employee's personnel or employee-evaluation records, is amended to read as follows:

(3)(A) Except as stated under subdivision (c)(4) of this section, ~~Upon~~ upon receiving a request for the examination or copying of personnel or evaluation records, the custodian of the records shall determine within twenty-four (24) hours of the receipt of the request whether the records are exempt from disclosure and make efforts to the fullest extent



possible to notify the person making the request and the subject of the records of that decision.

(B)(i) If the subject of the records cannot be contacted in person or by telephone within the twenty-four-hour period, the custodian shall send written notice via overnight mail to the subject of the records at his or her last known address. Either the custodian, requester, or the subject of the records may immediately seek an opinion from the Attorney General, who, within three (3) working days of receipt of the request, shall issue an opinion stating whether the decision is consistent with this chapter.

(ii) In the event of a review by the Attorney General, the custodian shall not disclose the records until the Attorney General has issued his or her opinion.

(C) However, nothing in this subsection shall be construed to prevent the requester or the subject of the records from seeking judicial review of the custodian's decision or the decision of the Attorney General.

(4) If a request for public records seeks only the gross salary of a public employee or a set of public employees, then the:

(A) Records custodian is not required to notify the public employee or set of public employees before disclosing the gross salary amount; and

(B) Public employee whose gross salary is the subject of the request for public records is not entitled to seek an opinion from the Attorney General under subdivision (c)(3)(B) of this section.