

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

State of Arkansas
93rd General Assembly
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As Engrossed: S4/22/21
A Bill

HOUSE BILL 1884

By: Representative Eaves
By: Senator J. Dismang

For An Act To Be Entitled

AN ACT TO AMEND THE LAW GOVERNING A COUNTY'S
OBLIGATIONS REGARDING THE PRODUCTION OF ELECTRONIC
PUBLIC RECORDS IN BULK ON REQUEST; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND THE LAW GOVERNING A COUNTY'S
OBLIGATIONS REGARDING THE PRODUCTION OF
ELECTRONIC PUBLIC RECORDS IN BULK ON
REQUEST.

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

SECTION 1. Arkansas Code § 14-14-111(b)(1), concerning the definitions used for purposes of the law governing counties' electronic records, is amended to read as follows:

(1) "Administrative rights" means permissions and powers, including without limitation the permissions and powers to access, alter, copy, download, extract, read, record, upload, write, or otherwise manipulate and maintain records kept by a county official;

SECTION 2. Arkansas Code § 14-14-111(c), concerning counties' obligations regarding the maintenance and disclosure of electronic records, is amended to read as follows:

(c)(1) A county official required by law to maintain public records and who in the normal performance of official duties chooses to keep and



maintain the records in an electronic record ~~retains~~ shall retain complete administrative rights and complete access to all the records.

(2) A contract between a county and an electronic record provider shall:

(A) ~~include~~ Include the information under subdivision (c)(1) of this section; and

(B) Require the contractor to provide the county official, at his or her request, with a written list of all file formats in which electronic records are stored.

SECTION 3. Arkansas Code § 14-14-112(a), concerning a county's obligations regarding the bulk copying of electronic public records on request, is amended to read as follows:

(a) In the absence of an existing agreement or county ordinance, a county official may negotiate with a commercial, nonpress entity that requests public records in bulk regarding a reasonable fee for mass duplication, copying, or bulk electronic access of public records.

SECTION 4. Arkansas Code § 14-14-112, concerning a county's obligations regarding the bulk copying of electronic public records on request, is amended to add an additional subsection to read as follows:

(d)(1) A county that receives a request for bulk public records by a commercial, nonpress entity shall provide nonencrypted, bulk public records in the format requested, as long as the requested format exists in the software.

(2)(A) If the county contracts with a third-party electronic record provider, the electronic record provider shall enable the county to extract the public records in a common file format that does not disclose the proprietary software code of the third-party electronic record provider and does not impair the accessibility and usability of the data.

(B) As used in subdivision (d)(2)(A) of this section, "common file format" includes without limitation the American Standard Code for Information Interchange and, for large databases, comma separated values.

(3)(A) Electronic public records provided under this subsection shall not include redacted data.

(B) This subsection does not apply to audio or video file

formats.

/s/Eaves