

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

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

SENATE BILL 248

By: Senators C. Tucker, B. Davis

By: Representative Eubanks

For An Act To Be Entitled

AN ACT TO AMEND THE FREEDOM OF INFORMATION ACT OF 1967; TO AMEND THE PROVISIONS OF THE FREEDOM OF INFORMATION ACT OF 1967 CONCERNING PERSONNEL RECORDS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE FREEDOM OF INFORMATION ACT OF 1967; AND TO AMEND THE PROVISIONS OF THE FREEDOM OF INFORMATION ACT OF 1967 CONCERNING PERSONNEL RECORDS.

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

SECTION 1. Arkansas Code § 25-19-105(b)(12), concerning the personnel records exemption from requests for disclosure under the Freedom of Information Act of 1967, is amended to read as follows:

~~(12)(A) Personnel records to the extent that disclosure would constitute a clearly unwarranted invasion of personal privacy; Any portion of a record, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, if the information contained within the public record concerns:~~

(i) A private citizen, living or deceased;
(ii) A public official, agent, or employee and is not related to the performance of his or her official duties; or
(iii) A personnel record of a public official, agent, or employee.

(B) That portion of a record under subdivision (b)(12)(A)



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of this section that constitutes a clearly unwarranted invasion of personal privacy shall not be disclosed if:

(i) The information contained within the record is of a personal or intimate nature sufficient to give rise to a substantial privacy interest; and

(ii) The substantial privacy interest outweighs the public's interest in disclosure;

SECTION 2. Arkansas Code § 25-19-105(c)(2), concerning the personnel records exemption from requests for disclosure under the Freedom of Information Act of 1967, is amended to read as follows:

(2) Any personnel or evaluation records exempt from disclosure under this chapter or other records exempt from disclosure under subdivision (b)(12) of this section shall nonetheless be made available to the person about whom the records are maintained or to that person's designated representative.

SECTION 3. Arkansas Code § 25-19-105(c)(3)(B)(i), concerning the personnel records exemption from requests for disclosure under the Freedom of Information Act of 1967, is amended to read as follows:

(B)(i) If the subject of the records cannot be contacted in person, ~~or~~ by telephone, or by electronic message with a confirmed receipt 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, before the close of the Attorney General's office the following business day, 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.