

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

HOUSE BILL 1626

5 By: Representatives Brooks, Scott
6 By: Senator K. Hammer
7

For An Act To Be Entitled

9 AN ACT TO AMEND THE FREEDOM OF INFORMATION ACT OF
10 1967; TO PERMIT A RECORDS CUSTODIAN TO DISCLOSE A
11 PUBLIC EMPLOYEE'S GROSS SALARY AMOUNT WITHOUT
12 ADVANCED NOTICE TO THE PUBLIC EMPLOYEE; TO PROVIDE
13 THAT A PUBLIC EMPLOYEE IS NOT ENTITLED TO SEEK THE
14 ATTORNEY GENERAL'S REVIEW OF A RECORDS CUSTODIAN'S
15 DECISION TO DISCLOSE ONLY THE PUBLIC EMPLOYEE'S GROSS
16 SALARY AMOUNT; AND FOR OTHER PURPOSES.
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Subtitle

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20 TO AMEND THE PROCESS GOVERNING THE
21 DISCLOSURE OF A PUBLIC EMPLOYEE'S GROSS
22 SALARY AMOUNT UNDER THE FREEDOM OF
23 INFORMATION ACT.
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26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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28 SECTION 1. Arkansas Code § 25-19-105(c)(3), concerning the requirement
29 that a records custodian notify a public employee of a records request that
30 seeks the employee's personnel or employee-evaluation records, is amended to
31 read as follows:

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



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

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

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

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

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

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

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

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 27 **APPROVED: 4/12/21**
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