

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

A Bill

SENATE BILL 195

5 By: Senator D. Sullivan
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE FREEDOM OF INFORMATION ACT OF
9 1967; TO AMEND THE DEFINITION OF "PUBLIC RECORDS";
10 AND FOR OTHER PURPOSES.
11

Subtitle

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13 TO AMEND THE FREEDOM OF INFORMATION ACT
14 OF 1967; AND TO AMEND THE DEFINITION OF
15 "PUBLIC RECORDS".
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 25-19-102 is amended to read as follows:
22 25-19-102. Legislative findings and intent.

23 (a) It is vital in a democratic society that public business be
24 performed in an open and public manner so that the electors ~~shall be~~ are
25 advised of the performance of public officials and of the decisions that are
26 reached in public activity and in making public policy. Toward this end, this
27 chapter is adopted, making it possible for ~~them~~ electors or their
28 representatives to learn and to report fully the activities of their public
29 officials.

30 (b) The General Assembly finds that:

31 (1) The purpose of the Freedom of Information Act of 1967 is
32 transparency;

33 (2) Arkansas is proud to have a robust Freedom of Information
34 Act of 1967; and

35 (3) It is in the interest of the public to provide transparency
36 with respect to private organizations that support public entities without



1 the need for litigation.

2 (c) It is the intent of the General Assembly that records of a private
3 organization or private entity that performs a governmental function or
4 supports a governmental agency or public entity through activities such as
5 fundraising or the provision of labor be subject to the Freedom of
6 Information Act of 1967.

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8 SECTION 2. Arkansas Code § 25-19-103(7), concerning the definitions to
9 be used in the Freedom of Information Act of 1967, is amended to read as
10 follows:

11 (7)(A) "Public records" means writings, recorded sounds, films,
12 tapes, electronic or computer-based information, or data compilations in any
13 medium required by law to be kept or otherwise kept and that constitute a
14 record of the performance or lack of performance of official and related
15 functions that are or should be carried out by a public official or employee,
16 a governmental agency, a private entity as described in subdivision (7)(C) of
17 this section, or any other agency or improvement district that is wholly or
18 partially supported by public funds or expending public funds. All records
19 maintained in public offices or by public employees within the scope of their
20 employment ~~shall be~~ are presumed to be public records.

21 (B) "Public records" does not mean software acquired by
22 purchase, lease, or license~~+~~.

23 (C)(i) "Public records" includes writings, recorded
24 sounds, films, tapes, electronic or computer-based information, or data
25 compilations in any medium maintained by a:

26 (a) Private entity that is:

27 (1) Supported wholly or in part by
28 public funds or the expending of public funds; and

29 (2) Engaged in activities or the
30 provision of services that would normally be provided by a governmental
31 entity or would be provided by a governmental entity in the absence of the
32 private entity; or

33 (b) Private entity with the primary purpose of
34 providing direct support to a governmental agency or public entity
35 financially or with labor if the direct support provided had an actual or
36 equivalent value of one million dollars (\$1,000,000) or more in the previous

1 calendar year.

2 (ii) "Public records" does not include:

3 (a) Writings, recorded sounds, films, tapes,
4 electronic or computer-based information, or data compilations in any medium
5 of a private entity that are not related to the performance of a public or
6 governmental function by the private entity or the direct support of a
7 governmental agency by the private entity; or

8 (b) The names and personal contact information
9 of persons making financial donations to a private entity as described in
10 subdivision (7)(C)(i)(b) of this section;

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