

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

*As Engrossed: H3/3/21*

# A Bill

HOUSE BILL 1514

5 By: Representative S. Meeks  
6

## For An Act To Be Entitled

8 AN ACT TO PROHIBIT A DATA COMPANY FROM PREVENTING  
9 AUTHORIZED ACCESS BY A PUBLIC ENTITY TO THE PUBLIC  
10 ENTITY'S DATA; AND FOR OTHER PURPOSES.  
11

## Subtitle

12  
13  
14 TO PROHIBIT A DATA COMPANY FROM  
15 PREVENTING AUTHORIZED ACCESS BY A PUBLIC  
16 ENTITY TO THE PUBLIC ENTITY'S DATA.  
17

18  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
20

21 SECTION 1. Arkansas Code Title 19, Chapter 11, Subchapter 1, is  
22 amended to add an additional section to read as follows:

23 19-11-107. Data company – Definitions.

24 (a) As used in this section:

25 (1) "Contractor" means a person having a public contract with a  
26 public entity for storage services or software services;

27 (2) "Data" means recorded information, regardless of form or  
28 characteristic;

29 (3) "Data company" means a contractor that provides software and  
30 stores data for a public entity or provides storage services for a public  
31 entity;

32 (4) "Entity of the state" means any department, institution of  
33 higher education, board, commission, agency, quasi-public organization,  
34 official, office, or employee, or any agency, instrumentality, or function  
35 thereof;

36 (5) "Political subdivision of the state" means any county,



1 municipality, quasi-public organization, district, official, office, or  
2 employee, or any agency, instrumentality, or function thereof;

3 (6)(A) "Public contract" means an agreement for the purchase of  
4 commodities and services by a public entity.

5 (B) "Public contract" includes supplemental agreements;

6 (7) "Public entity" means an entity of the state or a political  
7 subdivision of the state or a school;

8 (8) "School" means any public school district, charter school,  
9 or education service cooperative, or any publicly supported entity having  
10 supervision over public educational entities; and

11 (9) "Storage services" means the storage of data of a public  
12 entity.

13 (b)(1) Data that is stored by a data company for a public entity is  
14 the property of the public entity.

15 (2) A data company shall not sell, disclose, or otherwise use  
16 the data that is stored for any other purpose without express authorization  
17 from the public entity unless the data is:

18 (A) Considered open; or

19 (B) Released in the public domain by the public entity.

20 (3) A data company shall comply with the Arkansas Information  
21 Systems Act of 1997, § 25-4-101 et seq.

22 (c)(1) Upon the expiration or termination of a public contract, a data  
23 company shall return all data to the public entity in the format specified in  
24 the public contract and in a secure manner.

25 (2) If the public contract does not specify a format for return  
26 of the data, as an express term of the public contract, the data company  
27 shall return all data to the public entity in a secure common data format  
28 specified by the public entity in writing and delivered to the data company  
29 within thirty (30) days after the expiration or termination of the public  
30 contract.

31 (d)(1) A data company shall provide for the destruction of data still  
32 in its possession in a secure manner such that data cannot be reconstructed  
33 with backups or duplicate copies of data.

34 (2) The data company shall provide a certificate of destruction  
35 and describe the methods used for destruction.

36 (3) Destruction of the data shall be effected:

1                    (A) Upon written approval by the public entity that  
2 acknowledges destruction of the data; and

3                    (B) No later than six (6) months after the expiration or  
4 termination of the public contract.

5                    (e) This section does not prevent a public entity and a data company  
6 from negotiating a public contract to determine the type of data format that  
7 is acceptable for transferring data from a data company.

8                    (f) This section applies to all existing public contracts.

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

*/s/S. Meeks*