

**University of Arkansas Division of Agriculture
Freedom of Information (FOI) Act Policy**

Summary: Establishes policy for compliance with the Arkansas Freedom of Information Act

Background

Under the Arkansas Freedom of Information Act (F.O.I.A.), all public records are open to inspection and copying by any citizen of the state of Arkansas during the regular business hours of the custodian of the records. A "public record" is defined as any writing, recorded sound, film, tape, or data compilation in any form and includes all records maintained in a public office or by public employees as part of their duties. The (F.O.I.A.) does not require the creation or compilation of a record that does not already exist.

Exemptions

Several categories of records are exempt from the provisions of this act, but the only ones which might be in our possession are medical records, scholastic records, and personnel records. Personnel records are exempt only to the extent that disclosure would constitute a clearly unwarranted invasion of personal privacy.

Opinions of the Arkansas Attorney General and cases under the Federal Privacy Act hold that release of the following information from personnel files may be deemed to be an unwarranted invasion of personal privacy:

- Social security number
- Marital status
- Name and date of birth of spouse
- Names and dates of birth of children
- Medical records
- Beneficiary designations
- Military records
- College transcripts (protected by Buckley Amendment and exempt from F.O.I. as scholastic records)

Employee performance evaluation records fall into a special category of personnel records and are open to public inspection only if:

- There has been a final administrative resolution of any suspension or termination proceedings at which such records form a basis for the decision to suspend or terminate the employee, AND
- There is a "compelling public interest" in disclosure.

Response Time and Charges

Records must be made available immediately unless in active use or storage, in which case they must be made available within three working days. Requests for personnel records and employee evaluation records must be acted upon within 24 hours of the custodian's receipt of the request. The requestor may be charged the "actual costs of reproduction, including the costs of the medium of reproduction, supplies, equipment, and maintenance, but not including existing agency personnel time associated with searching for, retrieving, reviewing, or copying the records". The actual costs of mailing, faxing, or e-mailing the records may also be charged.

Handling Requests

The Division of Agriculture has designated the Division's Compliance Officer as the Division's FOIA Coordinator, who shall be responsible for the coordination of all FOIA requests. The FOIS coordinator shall keep an accurate record of all FOIA requests received, including the name and contact information of each requestor, the date on which the request is received, and the date on which the records are made available or copies provided.

Any employee who receives a request for public records under the FOIA shall immediately furnish such request or a copy thereof to the FOIA Coordinator.

According to the Act, "Any person who negligently violates any of the provisions of this chapter shall be guilty of a Class C misdemeanor." Therefore, it is very important that you respond in the time and manner required.

The Freedom of Information Act Handbook can be accessed via the Internet at www.arkansaspress.org under the "publications" link. A hard copy is available in each department head's office, each county extension office, and every research center location.