

1 State of Arkansas  
2 95th General Assembly  
3 Regular Session, 2025  
4

# A Bill

SENATE BILL 248

5 By: Senators C. Tucker, B. Davis  
6 By: Representative Eubanks  
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## For An Act To Be Entitled

9 AN ACT TO AMEND THE FREEDOM OF INFORMATION ACT OF  
10 1967; TO AMEND THE PROVISIONS OF THE FREEDOM OF  
11 INFORMATION ACT OF 1967 CONCERNING PERSONNEL RECORDS;  
12 AND FOR OTHER PURPOSES.  
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## Subtitle

15 TO AMEND THE FREEDOM OF INFORMATION ACT  
16 OF 1967; AND TO AMEND THE PROVISIONS OF  
17 THE FREEDOM OF INFORMATION ACT OF 1967  
18 CONCERNING PERSONNEL RECORDS.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code § 25-19-105(b)(12), concerning the personnel  
24 records exemption from requests for disclosure under the Freedom of  
25 Information Act of 1967, is amended to read as follows:

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

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

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



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

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

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

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

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

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

21 (B)(i) If the subject of the records cannot be contacted in  
22 person, ~~or~~ by telephone, or by electronic message with a confirmed receipt  
23 within the twenty-four-hour period, the custodian shall send written notice  
24 via overnight mail to the subject of the records at his or her last known  
25 address. Either the custodian, requester, or the subject of the records may,  
26 before the close of the Attorney General's office the following business day,  
27 seek an opinion from the Attorney General, who, within three (3) working days  
28 of receipt of the request, shall issue an opinion stating whether the  
29 decision is consistent with this chapter.

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