



## Department of Transformation and Shared Services FOIA Records Requests Policy

### **PURPOSE**

The purpose of this policy is to establish procedures for Arkansas Department of Transformation and Shared Services (TSS) employees for processing requests for records under the Arkansas Freedom of Information Act (FOIA) to serve the citizens of the State of Arkansas.

### **SCOPE**

This policy is governed by the Arkansas Freedom of Information Act of 1967, codified at Arkansas Code Annotated § 25-19-101 *et seq.*

### **POLICY**

FOIA requires each Department to prepare and make available certain records to the public, including the Department's (and its entities') method of operations, records the Department maintains (including emails and text messages), regulations, rules of procedure, policies adopted by the Department, and a description of the Department. FOIA allows Arkansas citizens to inspect and receive copies of public records, unless such records are exempt from disclosure under FOIA, other state law, or federal law. For specific guidance on FOIA, please refer to the [Arkansas Freedom of Information Handbook](#), which is co-sponsored and published by the Arkansas Attorney General's Office.

#### FOIA Officer

The TSS FOIA Officer is the TSS Executive Assistant to the Secretary. The TSS FOIA Officer is the point of contact for all requests for records under FOIA. The FOIA Officer shall maintain an electronic record of all received requests and track the status of fulfillment for each request. Each entity within TSS—which includes the Division of Information Systems (DIS), Arkansas Geographic Information Systems Office (GIS), Employee Benefits Division (EBD), Office of Personnel Management (OPM), Office of State Procurement (OSP), and Division of Building Authority (DBA)—will designate a point of contact who will coordinate with the FOIA Officer in identifying the requested records, redacting any possible [exemption](#), and providing those records to the FOIA Officer within the appropriate timeline. The division point of contact will work through the TSS FOIA Officer and in conjunction with legal.

#### Applicable Records

A record includes all writings, sound recordings, or video recordings generated by a governmental body. Exemptions may apply by law and, if so, must be redacted prior to release.

#### Requests for Personnel Records

Personnel records are releasable to eligible requesters under FOIA. The custodian, however, must notify the employee(s) whose record was requested within 24 hours of receipt by the Department. The notification requirement is not required when the requester is only seeking the gross salary information for an employee. Redactions must be applied to remove personally identifiable information. Personnel evaluation records are subject to additional exemptions from disclosure under FOIA. Refer to the FOIA Handbook for guidance on redacting personnel records and evaluation records.

#### Timeline

FOIA requires immediate turnover of documents in a custodian's possession, unless said documents are in active use or storage. Therefore, immediately after the FOIA Officer receives a request, the FOIA Officer will reach out to the custodian of the records at either DIS, GIS, EBD, OPM, OSP, or DBA to

collect the documents. Requests that involve documents in active use or storage must be provided to the requestor within three (3) business days unless consultation with legal counsel, redactions, or a voluminous request requires an extended, but reasonable timeframe. See Op. Att'y Gen 94-225. See *also* Ops. Att'y Gen. Nos. 2012-141; 2000-059; 1996-354; 1994-225; and 1992-289. A need for more than three (3) business days to complete the request will be communicated to the requestor if necessary.

### Costs

FOIA allows for custodians to charge for the actual costs of reproducing records, plus mailing expenses. TSS will not charge to fulfill a FOIA request unless the request results in unreasonable costs. TSS will be required to maintain evidence of its actual costs, and records of each request for which payment was requested.

### Verbal Requests

FOIA requests need not only be submitted in writing. A FOIA request may be made in person, by phone, by email, by fax, by posted mail, or by any electronic means provided by the custodian of record(s) (A.C.A § 25-19-105 (a)(2)(B)). Regardless of the format of the request, it is imperative that these requests be forwarded to the TSS FOIA Officer. For oral FOIAs, the employee should suggest that the FOIA request be reduced to writing by the requestor, if possible. Once a request has been received, the FOIA Officer will inform the requester that TSS has received the request. The TSS Officer will also inform the requester whether TSS possesses files pertaining to the request and how the information can be received and viewed. If the requested files are large, the requester may be asked to visit TSS to view them and if this is the case, the requester will be given information on how to schedule a time to do so.

- [FOIA Request Email](mailto:tss@arkansas.gov): tss@arkansas.gov
- FOIA Request Mail:
  - Department of Transformation and Shared Services
  - Attn: FOIA Request
  - 500 Woodlane Street
  - Little Rock, AR 72201
- FOIA Request Phone: (501) 319-6551
- FOIA Request Fax: (501) 319-6528

### Additional Applicable Statutes

It is also important to keep in mind while reviewing records for release, FOIA is not the only applicable statute that governs release of records. Some records that may be releasable under FOIA may not be releasable under the Privacy Act, the Health Insurance Portability and Accountability Act, the Arkansas Personal Information Protection Act, or other state or federal laws.

### Additional Considerations

Some requests span across multiple Departments, agencies, boards, or commissions. The FOIA Officer must ensure coordination between each entity.

### Failure to Comply

Failure to comply with FOIA, including failure to protect confidential information and the unauthorized release of confidential information, shall result in disciplinary action, the severity of which will be determined by the egregiousness of the violation.