

Opinion No. 2012-029

March 8, 2012

George E. Butler, Jr.
Washington County Attorney
280 North College, Suite 501
Fayetteville, Arkansas 72701

Dear Mr. Butler:

You have requested my opinion, for a third time, on whether the custodian's decision to release five employee evaluation documents is consistent with the Arkansas Freedom of Information Act ("FOIA"). In the first two opinions—Opinion Nos. 2012-024 and 2012-019—I explained all the relevant definitions and legal standards that the custodian needs to apply. In the most recent opinion, I explained that I was unable to perform my statutory duty because the custodian failed to assess whether the employee evaluation documents formed a basis for the December suspension. You now say that they did. Accordingly, in my opinion, the custodian's decision to release these five documents is consistent with the FOIA.

Sincerely,

DUSTIN MCDANIEL
Attorney General

DM:RO/cyh