

Opinion No. 2012-110

August 23, 2012

Don Lukas, Manager
OPM Research & Technical Services
1509 W. 7th St., Suite 201, Box 3278
Little Rock, Arkansas 72203-3278

Dear Mr. Lukas:

You have requested my opinion regarding the Arkansas Freedom of Information Act (“FOIA”). Your request is based on A.C.A. § 25-19-105(c)(3)(B)(i) (Supp. 2011). This subsection authorizes the custodian, requester, or the subject of personnel or employee evaluation records to seek an opinion from this office stating whether the custodian’s decision regarding the release of such records is consistent with the FOIA.

Your letter indicates that the Office of Personnel Management has received an FOIA request “for the names of all state employees who were concurrently employed during fiscal years 2011, 2012, and 2013 to date.” The custodian intends to release this information. Four employees object to the release of their name. The question posed to me is whether the custodian’s decision to release these four names is consistent with the FOIA.

RESPONSE

This office has repeatedly opined that the public is entitled to know, via FOIA requests, the names of public employees. For that analysis, please see Opinion No. 2011-156, which is enclosed for your reference. None of the employees cites any legally sufficient reason that, in their specific case, overrides that general rule. Accordingly, in my opinion, the custodian’s decision is consistent with the FOIA.

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Assistant Attorney General Ryan Owsley prepared this opinion, which I hereby approve.

Sincerely,

DUSTIN MCDANIEL
Attorney General

DM/RO:cyh

Enclosure