

Opinion No. 2013-003

January 9, 2013

Luther Sutter
Attorney at Law
310 W. Conway Street
Benton, Arkansas 72015

Dear Mr. Sutter:

You have requested my opinion regarding the Arkansas Freedom of Information Act (“FOIA”). Your request, which is made as the subject’s attorney, 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.

You have forwarded an email that includes an FOIA request from a journalist who requests all pay records for your client from January 1, 2012 to December 31, 2012. Specifically, the requestor seeks “all time sheets that outline the number of hours worked, whether the hours worked were straight time or overtime, and where [your client] was working during those work hours (e.g., patrol, court, case preparation).” The custodian has determined that the requested records are personnel records and plans to release them. While your client objects to the release, she gives no reason for the objection.

RESPONSE

My statutory duty under A.C.A. § 25-19-105(c)(3)(B)(i) is to state whether a custodian’s decision regarding the disclosure of certain employee-related records is consistent with the FOIA. Because I have not been provided with the records at issue in this case, I cannot opine about whether any specific document should be released. I can, however, note that this office has consistently opined that salary

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information and leave records are personnel records that should generally be disclosed pursuant to the FOIA.¹

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

Sincerely,

DUSTIN McDANIEL
Attorney General

DM/RO:cyh

¹ *E.g.*, Op. Att’y Gen. 2011-045 (regarding salary information); Op. Att’y Gen. 2007-258 (regarding leave records).