

Opinion No. 2013-022

March 4, 2013

Ms. Brenda Dorman  
Jefferson Elementary School  
2600 North McKinley Street  
Little Rock, Arkansas 72207

Dear Ms. Dorman:

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), which 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 someone has made an FOIA request for your “attendance records.” The custodian has decided to release the records. You object to the release and ask whether the custodian’s decision is consistent with the FOIA.

**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 attendance/leave records are personnel records that should generally be disclosed pursuant to the FOIA. I have enclosed Opinion No. 2007-258, which explains how the FOIA applies to such records.

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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