

Opinion No. 2013-073

July 16, 2013

Mr. Woody Chenault
c/o Lynn Luther, SPHR, IPMA-CP
Human Resources Administrator
Little Rock Wastewater Utility
5300 South Shackleford Road
Little Rock, Arkansas 72204

Dear Mr. Chenault:

I am writing in response to your request, made pursuant to A.C.A. § 25-19-105(c)(3)(B) (Supp. 2011), for an opinion on whether the custodian's decision to release certain information in response to a request made under the Arkansas Freedom of Information Act ("FOIA") is consistent with that law. Attached to your request is an email notification addressed to all employees from Lynn Luther, Human Resources Administrator at Little Rock Wastewater Utility. The email notes that Little Rock Wastewater received an FOIA request from Bessie Fowler of the American Federation of State, County and Municipal Employees, AFL-CIO – Arkansas Council 38, seeking a "list of Little Rock Wastewater employee names, dates of hire, titles, salaries, gender and location."

The custodian has determined that all of the requested records are personnel records that are releasable under the FOIA. You apparently disagree with the custodian's decision and ask for my advice as to "whether or not this information is or should be released." You also ask whether "this is a legitimate request," citing the requester's failure to provide personal information or an explanation of why she wants the information or what she plans to do with it. Further, you note a concern that the requester might be gathering information to disseminate to entities engaged in identity theft.

RESPONSE

In my opinion, the custodian's decision is consistent with the FOIA.

I addressed the bulk of the information now requested in a previous opinion, Opinion No. 2011-044 (copy enclosed). In that Opinion, I concluded, among other things, that information detailing public employees' names, titles, departments, agencies, salaries, gender, hire date, employment status (full time, part time or temporary) and pay basis (hourly or salaried) was open to inspection and copying under the FOIA. This also applies with respect to the location of public employees (*see, e.g.*, Op. Att'y Gen. No. 2007-070). I will not restate the analysis of either opinion herein. It is sufficient to note that my opinion has not changed since the issuance of the above referenced opinions; and therefore, in my opinion, the custodian's decision to release the above-listed information is consistent with the provisions of the FOIA.

Regarding your concern that the requester has not listed the reasons for the request or the uses to which the information may be put, this office has previously consistently opined that the requester's motive for making the request is generally irrelevant to whether a non-exempt record should be released pursuant to the FOIA.¹

Deputy Attorney General Elisabeth A. Walker prepared the foregoing opinion, which I hereby approve.

Sincerely,

DUSTIN McDANIEL
Attorney General

DM:EAW/cyh

Enclosure

¹ E.g., Op. Att'y Gen. Nos. 2013-012, 2012-085, 2012-069, 2012-014, 2011-071 and 2011-044.