

Opinion No. 2013-088

August 1, 2013

John M. Wrenn
Parking Enforcement Coordinator
701 West Markham
Little Rock, Arkansas 72201

Dear Mr. Wrenn:

I am writing in response to your request, made pursuant to A.C.A. § 25-19-105(c)(3)(B), for an opinion on whether the decision of the City of Little Rock, to release certain information in response to a Freedom of Information Act (“FOIA”) request is consistent with provisions of the FOIA, codified at A.C.A. §§ 25-19-101 to -110 (2012). Specifically, a reporter with the Arkansas Democrat-Gazette has requested the name, job title, department, salary, over time, comp time and pay grade for all regular and limited service full-time and part-time city employees for the last full fiscal year and the first six months of the current fiscal year.

The custodian has determined that the requested records are personnel records subject to release under the FOIA. You object to the release of your name in association with your job title, citing the possible risk for both personal injury and financial harm from certain members of the public. You request my opinion on whether the release of your name 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 Op. Att’y Gen. No. 2011-156, which is enclosed for your reference. Your request for an opinion fails to cite any legally sufficient reason that overrides that general rule. Accordingly, in my opinion, the custodian’s decision is consistent with the FOIA.

I must respectfully decline to answer the specific questions you have posed at the end of your request. My statutory duty under A.C.A. § 25-19-105(c)(3)(B) is to state whether the decision of the custodian of records is consistent with the FOIA. Strictly speaking, I am not authorized to address specific questions posed by the custodian, subject, or requester.¹ But please note that this office's opinion is neither binding on any party, nor is it your last recourse. The FOIA specifically provides a right of judicial review for any citizen who believes their FOIA rights have been violated: “[a]ny citizen denied the rights granted to him or her by this chapter may appeal immediately from the denial to the Pulaski County Circuit Court or to the circuit court of the residence of the aggrieved party...”²

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

Sincerely,

DUSTIN McDANIEL
Attorney General

DM:RWO/cyh

Enclosure

¹ See, e.g., Op. Att’y Gen. No. 2010-140; see also Op. Att’y Gen. Nos. 2009-161, 2006-171 and 1996-386.

² A.C.A. § 25-19-107(a).