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Recent Change To The Arkansas Freedom of Information Act Makes Transparency Easier for Local Government

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Fifty years ago this year, the Arkansas General Assembly passed the Arkansas Freedom of Information Act (FOIA), codified at Arkansas Code Annotated Section 25-19-101, *et seq.*¹ The Arkansas FOIA requires that government business be conducted openly by having open meetings and by making records available for Arkansas citizens' review. The law has successfully exposed the business of Arkansas government, but at a cost. FOIA requests for government records require government offices to allocate their limited resources to searching, compiling, and reviewing documents for disclosure, which often takes longer than citizens or government offices would like. Whereas previous amendments have recognized and attempted to ameliorate this burden on state government offices, none have addressed the problem for local governments—until now. Act 1107, the most recent amendment to the Arkansas FOIA, brings the Arkansas FOIA one step closer to being the model of government transparency it was intended to be.²

The amendment identifies the boon technology can be for government offices and citizens in maintaining transparency. The tech world, too, has become increasingly interested in using its resources to make government more accessible to citizens. For example, nonpartisan non-profit website USAFacts, formed by former Microsoft CEO Steve Ballmer, gathers national, state, and local government data and presents that data in approachable infographics.³ The site went live in April 2017 after economists, professors, and researchers gathered financial data from government sources for three years.⁴

Arkansas's local governments now have the option of joining state government offices in publishing the information specified by the Arkansas FOIA on the internet, and be compliant with FOIA, thanks to Act 1107.⁵ This means that local government offices may review and publish records "in electronic form via the Internet" just once, rather than for every request received.⁶ If the local government offices opt in, the Arkansas FOIA requires that they publish a description of their organization as well as their rules, regulations, policies, and administrative decisions, with some exceptions for confidential information.⁷ Moreover, if the office foresees a group of

documents is “likely to become the subject of frequent requests for substantially the same records,” it may preemptively review and publish those documents online and be compliant with FOIA.⁸

This amendment is a small step toward making FOIA less onerous for government and more efficient for the public. The hope now is that local governments are able to use this change in law to help themselves and to “be more effective stewards of taxpayer dollars.”⁹

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¹ Tom Larimer, *Arkansas Freedom of Information Act*, THE ENCYCLOPEDIA OF ARKANSAS HISTORY & CULTURE, <http://www.encyclopediaofarkansas.net/encyclopedia/entry-detail.aspx?entryID=4599> (last visited May 22, 2017).

² Act 1107, H.B. 1623, 91st General Assembly Reg. Sess. (Ark. 2017).

³ USAFacts, <http://usafacts.org/> (last visited May 22, 2017).

⁴ Amar Toor, *Steve Ballmer’s new project: find out how they government spends your money*, The Verge (April 18, 2017), <https://www.theverge.com/2017/4/18/15337896/steve-ballmer-usafacts-spending-revenue-database>.

⁵ Ark. Code Ann. § 25-19-108(c) (2017).

⁶ § 25-19-108(b)(1).

⁷ § 25-19-108(a)(1)-(4).

⁸ § 25-19-108(a)(5).

⁹ Act 1107, Sec. 1(a)(8).