

1 State of Arkansas  
2 90th General Assembly  
3 Regular Session, 2015  
4

# A Bill

HOUSE BILL 1080

5 By: Representative D. Douglas  
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## For An Act To Be Entitled

8 AN ACT TO PROTECT THE INTEGRITY OF ONGOING ACADEMIC  
9 RESEARCH AND STUDIES; TO CREATE AN EXEMPTION TO THE  
10 FREEDOM OF INFORMATION ACT OF 1967; AND FOR OTHER  
11 PURPOSES.  
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## Subtitle

14 TO PROTECT THE INTEGRITY OF ONGOING  
15 ACADEMIC RESEARCH AND STUDIES; AND TO  
16 CREATE AN EXEMPTION TO THE FREEDOM OF  
17 INFORMATION ACT OF 1967.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code § 25-19-105(b), concerning exemptions from  
24 the Freedom of Information Act of 1967, is amended to read as follows:

25 (b) It is the specific intent of this section that the following shall  
26 not be deemed to be made open to the public under the provisions of this  
27 chapter:

28 (1) State income tax records;

29 (2) Medical records, adoption records, and education records as  
30 defined in the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. §  
31 1232g, unless their disclosure is consistent with the provisions of that act;

32 (3) The site files and records maintained by the Arkansas  
33 Historic Preservation Program of the Department of Arkansas Heritage and the  
34 Arkansas Archeological Survey;

35 (4) Grand jury minutes;

36 (5) Unpublished drafts of judicial or quasi-judicial opinions and



1 decisions;

2 (6) Undisclosed investigations by law enforcement agencies of  
3 suspected criminal activity;

4 (7) Unpublished memoranda, working papers, and correspondence of  
5 the Governor, members of the General Assembly, Supreme Court Justices, Court  
6 of Appeals Judges, and the Attorney General;

7 (8) Documents that are protected from disclosure by order or rule  
8 of court;

9 (9)(A) Files that if disclosed would give advantage to  
10 competitors or bidders; and

11 (B)(i) Records maintained by the Arkansas Economic  
12 Development Commission related to any business entity's planning, site  
13 location, expansion, operations, or product development and marketing, unless  
14 approval for release of those records is granted by the business entity.

15 (ii) However, this exemption shall not be applicable  
16 to any records of expenditures or grants made or administered by the  
17 commission and otherwise disclosable under the provisions of this chapter;

18 (10)(A) The identities of law enforcement officers currently  
19 working undercover with their agencies and identified in the Arkansas Minimum  
20 Standards Office as undercover officers.

21 (B) Records of the number of undercover officers and agency  
22 lists are not exempt from this chapter;

23 (11) Records containing measures, procedures, instructions, or  
24 related data used to cause a computer or a computer system or network,  
25 including telecommunication networks or applications thereon, to perform  
26 security functions, including, but not limited to, passwords, personal  
27 identification numbers, transaction authorization mechanisms, and other means  
28 of preventing access to computers, computer systems or networks, or any data  
29 residing therein;

30 (12) Personnel records to the extent that disclosure would  
31 constitute a clearly unwarranted invasion of personal privacy;

32 (13) Personal contact information, including without limitation  
33 home or mobile telephone numbers, personal email addresses, and home  
34 addresses of nonelected state employees, nonelected municipal employees,  
35 nonelected school employees, and nonelected county employees contained in  
36 employer records, except that the custodian of the records shall verify an

1 employee's city or county of residence or address on record upon request;

2 (14) Materials, information, examinations, and answers to  
3 examinations utilized by boards and commissions for purposes of testing  
4 applicants for licensure by state boards or commissions;

5 (15) Military service discharge records or DD Form 214, the  
6 Certificate of Release or Discharge from Active Duty of the United States  
7 Department of Defense, filed with the county recorder as provided under § 14-  
8 2-102, for veterans discharged from service less than seventy (70) years from  
9 the current date;

10 (16) Vulnerability assessments submitted by a public water system  
11 on or before June 30, 2004, to the Administrator of the United States  
12 Environmental Protection Agency for a period of ten (10) years from the date  
13 of submission;

14 (17)(A) Records, including analyses, investigations, studies,  
15 reports, or recommendations, containing information relating to any  
16 Department of Human Services risk or security assessment, known or suspected  
17 security vulnerability, or safeguard related to compliance with the Health  
18 Insurance Portability and Accountability Act of 1996 or protection of other  
19 confidential department information.

20 (B) The records shall include:

- 21 (i) Risk and security assessments;  
22 (ii) Plans and proposals for preventing and  
23 mitigating privacy and security risks;  
24 (iii) Emergency response and recovery records;  
25 (iv) Privacy and security plans and procedures; and  
26 (v) Any other records containing information that if  
27 disclosed might jeopardize or compromise efforts to secure and protect  
28 personal health information or other protected department information.

29 (C) This subdivision (b)(17) expires on July 1, 2009;

30 (18)(A) Records, including analyses, investigations, studies,  
31 reports, recommendations, requests for proposals, drawings, diagrams,  
32 blueprints, and plans containing information relating to security for any  
33 public water system.

34 (B) The records under subdivision (b)(18)(A) include:

- 35 (i) Risk and vulnerability assessments;  
36 (ii) Plans and proposals for preventing and

1 mitigating security risks;

2 (iii) Emergency response and recovery records;

3 (iv) Security plans and procedures; and

4 (v) Other records containing information that if  
 5 disclosed might jeopardize or compromise efforts to secure and protect the  
 6 public water system; ~~and~~

7 (19) Records pertaining to the issuance, renewal, expiration,  
 8 suspension, or revocation of a license to carry a concealed handgun, or a  
 9 present or past licensee under § 5-73-301 et seq., including without  
 10 limitation all records provided to or obtained by a local, state, or federal  
 11 government or their officials, agents, or employees in the investigation of  
 12 an applicant, licensee, or past licensee, and all records pertaining to a  
 13 criminal or health history check conducted on the applicant, licensee, or  
 14 past licensee except that:

15 (A) Information or other records regarding an applicant,  
 16 licensee, or past licensee may be released to a law enforcement agency to  
 17 assist in a criminal investigation or prosecution or to determine the  
 18 validity of or eligibility for a license; and

19 (B) The name of an applicant, licensee, or past licensee  
 20 may be released as contained in investigative or arrest reports of law  
 21 enforcement that are subject to release as public records+;

22 (20) Documents, records, papers, data, protocols, information,  
 23 or materials in the possession of a community college or state institution of  
 24 higher education that:

25 (A) Are created, collected, developed, generated,  
 26 ascertained or discovered during the course of academic research; and

27 (B) Have not been published, copyrighted, trademarked, or  
 28 patented; and

29 (21) Manuscripts, preliminary analyses, drafts of scientific or  
 30 academic papers, plans, or proposals for future research and prepublication  
 31 peer reviews that are:

32 (A) In the possession of a community college or state  
 33 institution of higher education or submitted and accepted for publication by  
 34 publishers; and

35 (B) Unpublished.

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