

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

A Bill

HOUSE BILL 1873

5 By: Representative Johnson
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For An Act To Be Entitled

8 AN ACT TO CREATE A PROCEDURE FOR ADDRESSING UNDULY
9 BURDENSOME REQUESTS FOR DISCLOSURE UNDER THE FREEDOM
10 OF INFORMATION ACT OF 1967; TO AMEND THE FREEDOM OF
11 INFORMATION ACT OF 1967; AND FOR OTHER PURPOSES.
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Subtitle

14 TO CREATE A PROCEDURE FOR ADDRESSING
15 UNDULY BURDENSOME REQUESTS FOR DISCLOSURE
16 UNDER THE FREEDOM OF INFORMATION ACT OF
17 1967; AND TO AMEND THE FREEDOM OF
18 INFORMATION ACT OF 1967.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 25-19-105(e), concerning public records in
25 storage, is amended to read as follows:

26 (e)(1) If Except as provided in subdivision (e)(2) of this section, if
27 a public record is in active use or storage and therefore not available at
28 the time a citizen asks to examine it, the custodian shall certify this fact
29 in writing to the applicant and set a date and hour within three (3) working
30 days at which time the record will be available for the exercise of the right
31 given by this chapter.

32 (2)(A) A request under this section is unduly burdensome if the
33 custodian determines in good faith that production of the record within three
34 (3) days would substantially and unreasonably divert the resources of the
35 government entity compelled to disclose the information from the other duties
36 and obligations of the government entity.



1 (B) If the a request is unduly burdensome, the custodian
 2 shall:

3 (i) Within twenty-four (24) hours of receipt of the
 4 request make efforts to the fullest extent possible to notify the person
 5 requesting disclosure that production of the record is unduly burdensome and
 6 may not be disclosed for fourteen (14) days; and

7 (ii) Comply with the request within fourteen (14)
 8 days.

9 (C) If the request is unduly burdensome, the person
 10 requesting disclosure may:

11 (i) Withdraw his or her request; or

12 (ii) Substitute a narrowed request that is not
 13 unduly burdensome.

14 (3) If a narrowed request is substituted under subdivision
 15 (e)(2)(C)(ii) of this section, the custodian must comply with the request
 16 within three (3) days after the narrowed request is received.

17 (4) This section does not prevent a requester from seeking
 18 judicial review of the custodian's determination.

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