

## A. PUBLIC RECORDS STATUTES

As noted in the Introduction and Glossary of Terms, your state likely recognizes a distinction between “public records,” which may include correspondence, office records, personnel records, etc., and “government publications,” which may be compiled as a means to disseminate government information of educational or public interest. This section addresses statutes that concern public records and, in particular, those that focus on record keeping requirements and retention. The compilation of statutes for your state may combine record keeping requirements with public access provisions or freedom of information laws. Those statutes are addressed in Sections B & C.

1. Does your state have “public records statutes,” as referred to in the paragraph above?

- Yes  
 No

a. If “Yes,” cite your state’s public records statutes and the administrative regulations that supplement them.

Ark. Code Ann. § 25-18-101 through § 25-18-501 (Repl. 2002).

b. If “No,” skip this whole section.

Additional comments:

Subchapter 2 of the public records statutes addresses the distribution of a wide variety of state publications. Ark. Code Ann. § 25-18-202 through § 25-18-225 (Repl. 2002).

2. The public records statutes/regulations apply to which of the following branches?

- Executive  
 Legislative  
 Judicial  
 Administrative (applying to all agencies, no matter what branch of government)  
 Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

Ark. Code Ann. § 25-18-101 (Repl. 2002) allows the head of any state, county, or municipal department, commission, bureau, or board to have any or all records kept by that department, etc. to be photographed, microfilmed, Photostatted or reproduced on film. This means administrative agencies.

Additional comments:

3. Cite to public records statutes/regulations where “public record” is defined.

It is not defined in the public records statutes. It is only defined in the FOIA statutes at: Ark. Code Ann. §§ 25-19-103(5)(A)-(B) (Repl. 2002).

Additional comments:

4. Do the public records statutes/regulations address electronic records separately vis-à-vis print records?

Yes

No

- a. If "Yes," cite to and briefly discuss statutes/regulations addressing electronic records; how are they treated differently?

Additional comments:

5. Do the public records statutes/regulations address retention of records?

Yes

No

- a. If "Yes," cite to and briefly summarize the retention provisions.
- b. If "Yes," also cite to and discuss any provisions/regulations that address retention of electronic records; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

Arkansas had a chapter in the code entitled Public Records Management and Archives. Subchapter 1 of this act was entirely repealed in 2001 (Ark. Code Ann. § 13-4-101 through § 13-4-112 [repealed]). It was the only place where the statutes mentioned archiving and retention schedules for public records. It did not name electronic records specifically. The apparent reason for the repeal of this act was that the state added this duty to the Office of Information Technology, as described in section D of this survey. Subchapter 2, titled Electronic Court Records, still remains (Ark. Code Ann. § 13-4-201 through § 13-4-204). It concerns the reproduction, storage, retention and destruction of court records. It makes no mention of the public's right to these records.

6. Do the public records statutes/regulations or other sources of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens' access to public records or acknowledge the state's responsibility to permanently maintain public records?

Yes

No

- a. If "Yes," cite to and provide relevant language.

Additional comments:

7. Is a public records administrator, a public records commission or other officer/government entity responsible for administering the public records statutes/regulations?

Yes  
 No

a. If "Yes," cite to applicable statutes/regulations and identify the responsible officer/government entity.

The Secretary of State, Ark. Code Ann. §§ 25-18-102, -205, -206 (Repl. 2002).

b. If "Yes," also cite to and discuss any source of law requiring the responsible officer/government entity to permanently maintain government information; cite attorney general opinions, court decisions, and administrative rules or guidelines.

None.

Additional comments:

8. Has any public records legislation/administrative regulation been proposed calling for "permanent public access" to electronic public records?

Yes  
 No

a. If "Yes," cite to and briefly discuss the legislation/proposed regulation; what was the outcome?

b. If "Yes," also cite to documents from the legislative or regulatory history.

Additional comments:

9. Has litigation under the public records statutes resulted from the state's failure to "permanently" maintain a public record?

Yes  
 No

a. If "Yes," cite to and briefly discuss each case.

Additional comments:

10. Discuss any unique circumstances in your state relevant to "permanent public access" of public records under public records statutes/regulations.

None.

## B. FREEDOM OF INFORMATION ACT

A state's freedom of information act (or law) generally addresses public access to "public records." As noted under Section A above, the compilation of statutes for your state may combine record keeping requirements and public access provisions.

1. Does your state have a "freedom of information act," as referred to in the paragraph above?

Yes  
 No

- a. If "Yes," cite your state's freedom of information act (or law) statutes and the administrative regulations that supplement them.

Ark. Code Ann. § 25-19-101 through § 25-19-109 (Repl. 2002).

- b. If "No," skip this whole section.

Additional comments:

2. The freedom of information act statutes/regulations apply to which of the following branches?

Executive  
 Legislative  
 Judicial  
 Administrative (applying to all agencies, no matter what branch of government)  
 Other

- a. Briefly explain your answer and cite to applicable statutes/regulations.

Under Ark. Code Ann. §§ 25-19-103(4) and (5)(A) (Repl. 2002), the definitions of public meetings and public records say they are applicable to agencies.

Additional comments:

3. Cite to freedom of information law statutes/regulations where "public record" is defined.

Ark. Code Ann. §§ 25-19-103(5)(A)-(B) (Repl. 2002).

Additional comments:

4. Do the freedom of information act statutes/regulations address electronic records separately vis-à-vis print records?

Yes  
 No

- a. If "Yes," discuss whether the freedom of information act statutes/regulations had been amended at any time to cover electronic records; cite to and provide amending language.

Ark. Code Ann. §§ 25-19-108, -109 (Repl. 2002), were added in 2001.

- b. If "Yes," also cite to and briefly discuss statutes/regulations addressing electronic records; how are they treated differently?

Ark. Code Ann. § 25-19-108(a)(1) (Repl. 2002) requires that paper and electronic methods should be available for the public to access public records. Ark. Code Ann. §§ 25-19-108(b)(1)-(b)(2) (Repl. 2002) requires that any records made public under subsection (a) after July 1, 2003, shall be made publicly accessible via the Internet and proclaims that medium sufficient unless the requestor asks for a different medium or format.

Additional comments:

5. Do any freedom of information act statutes/regulations assure "permanent public access" of electronic public records?

Yes  
 No

- a. If "Yes," cite to and discuss any provisions/regulations that address "permanent public access"; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

6. Do the freedom of information act statutes/regulations or other sources of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens' access to public records or acknowledge the state's responsibility to permanently maintain public records?

Yes  
 No

- a. If "Yes," cite to and provide relevant language.

Additional comments:

7. Has any freedom of information legislation/administrative regulation been proposed calling for "permanent public access" of electronic public records?

Yes  
 No

- a. If "Yes," cite to and briefly discuss the legislation/proposed regulation; what was the outcome?
- b. If "Yes," also cite to documents from the legislative or regulatory history.

Additional comments:

8. Has litigation under the freedom of information act resulted from the state's failure to "permanently" maintain a public record?

Yes

No

a. If "Yes," cite to and briefly discuss each case.

Additional comments:

9. Discuss any unique circumstances in your state relevant to "permanent public access" of public records under freedom of information act statutes/regulations.

### C. PUBLIC ACCESS LAWS

The term "public access law" is intended to be a catchall for all other statutes that address the permanency and public accessibility of government information. The type of law appropriately falling under this section is most likely to be a statute that governs availability and access of *government publications*. An example of such a statute is the "Free Public Access to the Code of Maryland Regulations Act," whose title alone explains much about its purpose.

1. Does your state have any "public access laws," as referred to in the paragraph above?

Yes

No

a. If "Yes," cite each of your state's public access law statutes and the administrative regulations that supplement them.

b. If "No," skip this whole section.

Additional comments:

See the Comments to Item A.1 for a reference to the publications distributed under the terms of the state's public records statutes. Note that the distribution of specified publications to the Arkansas State Library is addressed in Ark. Code Ann. § 13-2-201 (Repl. 1999); distribution of state publications to the Arkansas History Commission and responsibilities for preservation are addressed in Ark. Code Ann. § 13-3-108 (Repl. 1999).

2. For each public access law, specify the branches to which it applies.

Executive

Legislative

Judicial

Administrative (applying to all agencies, no matter what branch of government)

Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

Additional comments:

3. For each public access law, cite to and discuss provisions/regulations addressing the particular form of government information addressed by the law.

Additional comments:

4. For each public access law, do the applicable statutes/regulations address electronic information separately vis-à-vis print information?

Yes  
 No

- a. If "Yes," cite to and briefly discuss statutes/regulations addressing electronic information; how is it treated differently?

Additional comments:

5. For each public access law, do the applicable statutes/regulations specifically address permanency of the information?

Yes  
 No

- a. If "Yes," for each public access law, cite to and briefly discuss the permanency provisions.

Additional comments:

6. For each public access law, do the applicable statutes/regulations specifically address accessibility of information?

Yes  
 No

- a. If "Yes," cite to and briefly discuss the accessibility provisions.

Additional comments:

7. For each public access law, do the applicable statutes/regulations or any other source of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens' access to government publications or acknowledge the state's responsibility to permanently maintain government publications?

Yes  
 No

- a. If "Yes," cite to and provide relevant language.

Additional comments:

8. Has any public access legislation/administrative regulation been proposed calling for “permanent public access” of electronic publications?

Yes  
 No

- a. If “Yes,” cite to and briefly discuss the legislation/proposed regulation; what was the outcome?
- b. If “Yes,” also cite to documents from the legislative or regulatory history.

Additional comments:

9. Has litigation under any public access law resulted from the state’s failure to “permanently” maintain a government publication?

Yes  
 No

- a. If “Yes,” cite to and briefly discuss each case.

Additional comments:

10. Discuss any unique circumstances in your state relevant to “permanent public access” of government publications under public access laws.

**D. STATE OFFICE FOR TECHNOLOGY AND CHIEF INFORMATION OFFICER**

1. Does your state have an office for technology (or department of information technology, department of information service, or equivalent) and/or a chief information officer (or equivalent)?

Yes  
 No

- a. If “Yes,” provide the complete official name for the office and/or officer; cite to the statute giving that information.

Office of Information Technology, established by Ark. Code Ann. § 25-4-104(c) (Repl. 2002).  
(OIT)

Executive Chief Information Officer, established by Ark. Code Ann. § 25-33-103(a) (Repl. 2002).  
(ECIO)

- b. If “No,” skip this whole section.

Additional comments:

2. Cite the “enabling” statute that created and defines the powers/responsibilities of the office/officer; when was the statute first enacted?

For the OIT, Ark. Code Ann. § 25-4-107 (Repl. 2002) was originally passed in 1977, rewritten in 1997, and amended in 2001.

For the ECIO, Ark. Code Ann. § 25-33-104 (Repl. 2002) was enacted in 2001.

Additional comments:

3. Does the office/officer have power to promulgate administrative regulations?

Yes  
 No

- a. If “Yes,” cite the body of administrative regulations promulgated by the office/officer.

None at this point.

Additional comments:

4. The office/officer has jurisdiction over which branches?

Executive  
 Legislative  
 Judicial  
 Administrative (applying to all agencies, no matter what branch of government)  
 Other

- a. Briefly explain your answer and cite to applicable statutes/regulations.

According to various subsections of Ark. Code Ann. § 25-33-104 (Repl. 2002), all state agencies must work with the ECIO regarding planning a shared technical architecture in the state, developing a security policy, acquiring information technology service, anticipating usage needs in planning for the network’s capacity, and adopting policies, standards and guidelines in setting up working groups when necessary.

Additional comments:

5. Are the powers/responsibilities of the office/officer defined differently for electronic government information vis-à-vis print government information?

Yes  
 No

- a. If “Yes,” cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

6. Do applicable statutes/regulations for the office/officer set forth powers/responsibilities relating to “permanent public access” of government information?

Yes  
 No

- a. If “Yes,” cite to and discuss any provisions/regulations that address those powers/responsibilities; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

Ark. Code Ann. § 25-33-104(a)(2)(B) (Repl. 2002) lists as a duty of the ECIO to develop retention schedules for control, preservation, protection, and disposition of the electronic records of agencies. Ark. Code Ann. § 25-33-104(a)(5) (Repl. 2002) says the ECIO will oversee the development of legislation, rules and regulations affecting electronic records management and retention. Although these sections do not specifically provide for “permanent public access,” they could lead to development of a policy for permanent access.

A new Executive Chief Information Officer for the state has been appointed. As of this date, there is no further evidence of retention schedules, rules, regulations or any plans. The Information Technology Plan referred to in section E is still the plan on the website.

7. Does any relevant source of law acknowledge in any way the state’s responsibility to permanently maintain government information?

Yes  
 No

- a. If “Yes,” briefly discuss that recognition; cite to and provide relevant language.

Additional comments:

8. Whether or not a supporting source of law can be identified, does the office/officer acknowledge responsibility to permanently maintain government information?

Yes  
 No

- a. If “Yes,” briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

Additional comments:

9. Has the office/officer undertaken any special initiatives or projects involving “permanent public access” of government information?

Yes  
 No

- a. If "Yes," briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

Additional comments:

10. Has any litigation involving the office/officer resulted from the state's failure to "permanently" maintain government information?

Yes  
 No

- a. If "Yes," cite to and briefly discuss each case.

Additional comments:

11. Discuss any unique circumstances in your state relevant to the office for technology and/or chief information officer.

Two top officials in the OIT, including the ECIO, resigned or were fired by the governor earlier this year. There is still great confusion regarding the department and the problems associated with it.

As of September 2002, a new Executive Chief Information Officer for the state has been appointed. Carolyn Osborne Walton, from Raleigh, North Carolina, was named the new ECIO. She has arrived and is working in Arkansas, but she has not had enough time to effect many changes. Hopefully, the OIT's problems will be resolved now, even if everything has to be redone.

Note that Arkansas has a legislative session every two years. The next one will begin in January 2003. It is certainly possible that further legislation affecting the OIT will be proposed. It may depend on how much the new ECIO can do.

## **E. STATE TECHNOLOGY PLANS**

1. Does your state have a current official information technology plan (or equivalent)?

Yes  
 No

- a. If "Yes," describe what government entity was responsible for creating the plan; cite to the source of its authority.

By Ark. Code Ann. § 25-4-107(9) (Repl. 2002), the Office of Information Technology (OIT) must create the plan. The State of Arkansas Information Technology Plan was prepared by the Office of the Executive Chief Information Officer (ECIO) and the Information Technology Oversight Committee (ITOC).

- b. If “Yes,” also provide complete bibliographic information about the plan; when was it published?

The cover says it is a Draft copy from May 2002. It is available on the ECIO’s website, although it says it is “not for distribution or attribution.”

<<http://www.cio.state.ar.us/Dwnlds/StateITPlan.pdf>>

- c. If “No,” skip this whole section.

Additional comments:

2. The technology plan covers which branches?

- Executive  
 Legislative  
 Judicial  
 Administrative (applying to all agencies, no matter what branch of government)  
 Other

- a. Briefly explain your answer and cite to applicable statutes/regulations.

It is unclear. This does not seem to be addressed by the plan.

Additional comments:

3. Does the current plan include a section on permanency and public accessibility of electronic government information?

- Yes  
 No

- a. If “Yes,” cite to and provide relevant language of the plan.

Additional comments:

4. Discuss any unique circumstances in your state relevant to technology planning or the current information technology plan.

Although these sections of the Arkansas Code have existed since 1977, the 2001 amendment added the language mandating the creation of a state information technology plan. A 1997 amendment had rewritten the 1977 language, but it only was concerned with data processing and telecommunications equipment. As discussed in Item D.11 above, the OIT lost its top officials earlier this year, and a new ECIO arrived in the fall of 2002. The State’s current Information Technology Plan may be entirely rewritten.

**F. STATE PRINTING OFFICE AND STATE PRINTER**

1. Does your state have an official printing office (or equivalent) and/or an official printer (or equivalent)?

- Yes
- No

- a. If “Yes,” provide the complete official name for the printing office and/or official printer; cite to the statute giving that information.
- b. If “No,” skip this whole section.

Additional comments:

2. Cite the “enabling” statute that created and defines the powers/responsibilities of the printing office/official printer.

Additional comments:

3. Does the printing office/official printer have power to promulgate administrative regulations?

- Yes
- No

- a. If “Yes,” cite the body of administrative regulations promulgated by the printing office/official printer.

Additional comments:

4. The printing office/official printer has jurisdiction over which branches?

- Executive
- Legislative
- Judicial
- Administrative (applying to all agencies, no matter what branch of government)
- Other

- a. Briefly explain your answer and cite to applicable statutes/regulations.

Additional comments:

5. Briefly discuss the functions of the printing office/official printer. Then:

- a. Describe your state’s use of in-house agency publishing and/or commercial publishing of government information.
- b. What percentage of official state government documents are printed by the printing office/official printer?
- c. To what extent is the printing office/official printer involved in the electronic dissemination of government information?

Additional comments:

6. Are the powers/responsibilities of the printing office/official printer defined differently for electronic government information vis-à-vis print government information?

Yes  
 No

- a. If "Yes," cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

7. Do applicable statutes/regulations for the printing office/official printer set forth powers/responsibilities relating to "permanent public access" of government information?

Yes  
 No

- a. If "Yes," cite to and discuss any provisions/regulations that address those powers/responsibilities; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

8. Does any relevant source of law acknowledge in any way the state's responsibility to permanently maintain government information?

Yes  
 No

- a. If "Yes," briefly discuss that recognition; cite to and provide relevant language.

Additional comments:

9. Whether or not a supporting source of law can be identified, does the printing office/official printer acknowledge responsibility to permanently maintain government information?

Yes  
 No

- a. If "Yes," briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

Additional comments:

10. Has the printing office/official printer undertaken any special initiatives or projects involving “permanent public access” of government information?

Yes  
 No

- a. If “Yes,” briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

Additional comments:

11. Has any litigation involving the printing office/official printer resulted from the state’s failure to “permanently” maintain government information?

Yes  
 No

- a. If “Yes,” cite to and briefly discuss each case.

Additional comments:

12. Discuss any unique circumstances in your state relevant to the official printing office and/or official printer.

## G. STATE ARCHIVES AND STATE ARCHIVIST

This section addresses your state’s official archives and state archivist. If these responsibilities are by law under the auspices of your state library and state librarian, please move on to Section H.

1. Does your state have an official archives (or equivalent) and/or an official archivist (or equivalent)?

Yes  
 No

- a. If “Yes,” provide the complete official name for the archives and/or archivist; cite the statute giving that information.
- b. If “No,” skip this whole section.

Additional comments:

Note that Ark. Code Ann. § 13-3-101 (Repl. 1999) created the Arkansas History Commission for the purpose of “keeping and caring for the official archives” of the state. The Commission is required to preserve, by photographic means or otherwise, two copies of “every publication of the State of Arkansas.” Ark. Code Ann. § 13-3-108 (Repl. 1999). The Commission is not responsible for preservation of ordinary state government records. See Ark. Code Ann. § 13-3-104 (Repl. 1999). State officials may, at their discretion, turn over to the Commission official books, records, documents, and original papers that they are not using currently. Ark. Code Ann. § 13-3-107(a)(1) (Repl. 1999). State officials must advise the Commission before destroying or discarding outdated

records, and the Commission must be given any materials which it deems have historical value. Ark. Code Ann. § 13-3-107(b) (Repl. 1999).

2. Cite the “enabling” statute that created and defines the powers/responsibilities of the archives/archivist.

Additional comments:

3. Does the archive/archivist have power to promulgate administrative regulations?

Yes  
 No

a. If “Yes,” cite the body of administrative regulations promulgated by the archive/archivist.

Additional comments:

4. The archive/archivist has defined responsibilities for which branches?

Executive  
 Legislative  
 Judicial  
 Administrative (applying to all agencies, no matter what branch of government)  
 Other

a. Briefly explain your answer and cite to applicable statutes/regulations.

Additional comments:

5. Briefly discuss the functions of the archive/archivist.

Additional comments:

6. Are the powers/responsibilities of the archive/archivist defined differently for electronic government information vis-à-vis print government information?

Yes  
 No

a. If “Yes,” cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

7. Do applicable statutes/regulations for the archive/archivist set forth powers/responsibilities relating to “permanent public access” of government information?

Yes  
 No

- a. If “Yes,” cite to and discuss any provisions /regulations that address those powers/responsibilities; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

- 8. Does any relevant source of law acknowledge in any way the state’s responsibility to permanently maintain government information?

Yes  
 No

- a. If “Yes,” briefly discuss that recognition; cite to and provide relevant language.

Additional comments:

- 9. Whether or not a supporting source of law can be identified, does the archive/archivist acknowledge responsibility to permanently maintain government information?

Yes  
 No

- a. If “Yes,” briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

Additional comments:

- 10. Has the archive/archivist undertaken any special initiatives or projects involving “permanent public access” of government information?

Yes  
 No

- a. If “Yes,” briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

Additional comments:

- 11. Has any litigation involving the archive/archivist resulted from the state’s failure to “permanently” maintain government information?

Yes  
 No

- a. If “Yes,” briefly discuss the circumstances of each case and its outcome, and provide citations to any court decisions.

Additional comments:

12. Discuss any unique circumstances in your state relevant to the official archive and/or official archivist.

#### H. STATE LIBRARY AND STATE LIBRARIAN

This section addresses your state's official library and state librarian. There is no separate section that addresses the official law library and state law librarian, if any. If your state has an official library *and* an official law library (and/or official librarian *and* official law librarian), it may be appropriate to address those government entities and/or persons separately.

1. Does your state have an official library (or equivalent) and/or an official librarian (or equivalent)?

Yes  
 No

a. If "Yes," provide the complete official name for the library and/or librarian; cite to the statute giving that information.

Arkansas State Library, Ark. Code Ann. § 13-2-203 (Repl. 1999).  
State Librarian, Ark. Code Ann. § 13-2-204 (Repl. 1999).

b. If "No," skip this whole section.

Additional comments:

2. Cite the "enabling" statute that created and defines the powers/responsibilities of the library/librarian.

Ark. Code Ann. § 13-2-207 (Repl. 1999).

Additional comments:

3. Does the library/librarian have power to promulgate administrative regulations?

Yes  
 No

a. If "Yes," cite the body of administrative regulations promulgated by the library/librarian.

Additional comments:

4. The library/librarian has defined responsibilities for which branches?

Executive  
 Legislative  
 Judicial  
 Administrative (applying to all agencies, no matter what branch of government)  
 Other

- a. Briefly explain your answer and cite to applicable statutes/regulations.

There is no specific mention of responsibility for any branches. However, Ark. Code Ann. § 13-2-207(9) (Repl. 1999) states that the library must “cooperate with the various officers, departments, and agencies of state government in pooling and sharing library materials and programs so that duplication of services and facilities shall be minimized and so that maximum utilization may be made of the library services and resources of this state; in furtherance of which, the library may enter into contracts or agreements with state officers, departments, and agencies for the provision of special library services where needed.”

Additional comments:

5. Briefly discuss the functions of the library/librarian.

The Library must acquire, catalog and maintain books and materials for the reference and research use of the public and public officials and employees of the state and its political subdivisions. Particularly, the Library must establish a collection about Arkansas’ history, people and resources and maintain that collection separately, maintain a collection of multimedia materials, and provide specialized services to the blind and people with physical disabilities. It must assist schools, universities and all types of groups, officials, agencies and departments with books, information, materials and services. It directs the establishment and development of county and regional library systems and programs, helping in designing and building facilities. The Library should develop a certification plan for public librarians, conduct courses of library instruction, institutes and training of library personnel. It receives gifts and administers state and federal programs providing aid to libraries. It works with all state officers, departments and agencies to share library materials and programs to minimize duplication, even entering into contracts or agreements with state officials to provide for special services and paying for them.

Additional comments:

6. Are the powers/responsibilities of the library/librarian defined differently for electronic government information vis-à-vis print government information?

Yes

No

- a. If “Yes,” cite to and briefly discuss applicable statutes/regulations addressing electronic government information; how is it treated differently?

Additional comments:

7. Do applicable statutes/regulations for the library/librarian set forth powers/responsibilities relating to “permanent public access” of government information?

Yes

No

- a. If “Yes,” cite to and discuss any provisions/regulations that address those powers/responsibilities ; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

- 8. Does any relevant source of law acknowledge in any way the state’s responsibility to permanently maintain government information?

Yes  
 No

- a. If “Yes,” briefly discuss that recognition; cite to and provide relevant language.

Additional comments:

- 9. Whether or not a supporting source of law can be identified, does the library/librarian acknowledge responsibility to permanently maintain government information?

Yes  
 No

- a. If “Yes,” briefly discuss when and how that responsibility was acknowledged; cite to any supporting source of law.

Additional comments:

- 10. Has the library/librarian undertaken any special initiatives or projects involving “permanent public access” of government information?

Yes  
 No

- a. If “Yes,” briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

Additional comments:

- 11. Has any litigation involving the library/librarian resulted from the state’s failure to “permanently” maintain government information?

Yes  
 No

- a. If “Yes,” cite to and briefly discuss each case.

Additional comments:

- 12. Discuss any unique circumstances in your state relevant to the state library and/or state librarian.

## I. STATE DEPOSITORY LIBRARY LAWS

States often have a depository library program patterned after the federal model for disseminating federal government publications.

1. Does your state have a “depository library program,” as referred to in the paragraph above?

Yes  
 No

- a. If “Yes,” cite your state’s depository library law statutes and the administrative regulations that supplement them.

Ark. Code Ann. § 13-2-211 (Repl. 1999); Ark. Code Ann. § 25-18-301 through § 25-18-306 (Repl. 2002).

- b. If “No,” skip this whole section.

Additional comments:

2. Do the depository library statutes/regulations address electronic government information separately vis-à-vis print government information?

Yes  
 No

- a. If “Yes,” cite to and briefly discuss statutes/regulations addressing electronic government information; how is it treated differently?
- b. If “No,” explain whether or not the statutes/regulations have been construed to cover electronic government information?

No, not formally. It is evidently understood, however. A source in the depository program stated that she had cataloged some titles available in electronic form.

Additional comments:

3. Do any depository library statutes/regulations assure “permanent public access” of electronic government information?

Yes  
 No

- a. If “Yes,” cite to and discuss any provisions/regulations that address “permanent public access”; cite to any other source of law supplementing them: attorney general opinions, court decisions, administrative rules or guidelines.

Additional comments:

4. Do the depository library statutes/regulations or any other source of law supplementing them (particularly a declaration of legislative intent or a relevant attorney general opinion) declare the public policy of the state and address the scope of citizens' access to government information or acknowledge the state's responsibility to permanently maintain public records?

Yes  
 No

- a. If "Yes," cite to and provide relevant language.

Additional comments:

5. Have depository libraries as a whole undertaken any special initiatives or projects involving "permanent public access" of government information?

Yes  
 No

- a. If "Yes," briefly describe those special initiatives or projects; discuss their effectiveness and actual accomplishments.

Additional comments:

6. Please determine the absolute number or percentage of titles:

Formerly distributed in print, now distributed exclusively in electronic format.  
 Never before distributed, now distributed in electronic format.

Additional comments:

A precise number or percentage is not available. A source in the depository program stated that she had dealt with some electronic format items, but not many. She estimated that the percentage of titles solely available in electronic format, whether available in print previously or not, would be less than five percent.

7. Discuss the depository library program's effectiveness and actual accomplishments in disseminating, preserving and providing access of electronic government information?

The depository program is currently working on developing policies and procedures to ensure permanent access to electronic government information. Access currently is through the State Library's online catalog. The depository program does not have a separate website on which this information could be posted. It is also unclear whether depository libraries are always notified of titles accessible electronically. They have not been added to the shipping lists.

Additional comments:

## J. COOPERATIVE ARRANGEMENTS

One can imagine any number of cooperative arrangements to assure “permanent public access.” A well-known example is the partnership between the Texas Electronic Depository program (involving the Texas State Library and Archives Commission) and the University of North Texas Libraries (see description for program C304 at Computers in Libraries 2002 on the Information Today website). A hypothetical example of a less formalized cooperative arrangement is where a state’s highest court relies on the state bar association to publish the court’s decisions.

1. To secure PPA, has any state agency or other government entity (judicial, legislative or executive) partnered with any not for profit, educational, or for profit organization outside of government?

Yes  
 No

- a. If “Yes,” describe each partnership, noting whether it is funded by a grant or through a government appropriation; give a brief history and summary of accomplishments.

Additional comments:

2. Does the state rely on any cooperative activities that are not actually formalized?

Yes  
 No

- a. If “Yes,” describe each relationship and cooperative activity; give a brief history and a summary of accomplishments.

Additional comments:

3. Does any state agency or other government entity secure “permanent public access” through any other type of cooperative arrangement?

Yes  
 No

- a. Describe each cooperative arrangement; give a brief history and a summary of accomplishments.

Additional comments:

## K. FACTORS TO BE CONSIDERED IN FUTURE ADVOCACY OR REFORM EFFORTS

1. If “permanent public access” is neglected in your state, carefully examine existing public records statutes, freedom of information statutes, public access laws, etc., and respond to the following:

- a. If possible, cite to and discuss one or two specific places in statutes or other sources of law where the state legislature or a responsible agency might naturally insert basic reform language.

The Arkansas State Library, under Ark. Code Ann. § 13-2-210 (Repl. 1999), is designated as the regional depository for federal, state and local documents. Responsibility for permanent public access of electronic records could be added to this section.

Alternatively, as discussed in section D, question 6 of this survey, the Executive Chief Information Officer could develop a plan for permanent public access of electronic records as well as archiving and organizing those materials. The duty could be added to Ark. Code Ann. § 25-33-104 (Repl. 2002).

It is preferable that the State Library becomes responsible for archiving, maintaining and providing permanent access to electronic records since the Library would already be performing that function with regular print and other types of materials. Certainly, trained library personnel whose primary functions are the provision of information and preservation of resources would be better equipped for simply adding electronic records to those resources. The experience of this state so far with the Office of Information Technology has not been positive, so it would be worrisome to depend upon that office for this very important responsibility.

- b. If specific places to insert reform language are not obvious, very briefly discuss what state agency or other government entity might naturally be made responsible for “permanent public access.”

Additional comments:

2. Discuss known failed efforts in your state to achieve “permanent public access”; how might new efforts succeed?

There is no evidence of failed efforts. Various people seem to be grappling with this issue now. It would likely be easier to succeed if other state models showed successful methods already in place.

Additional comments:

## **L. DIRECTORY**

This section asks you to collect directory-type information for important state officials involved in the dissemination of government information.

Provide official contact information for:

1. State Chief Information Officer (or equivalent)

Carolyn Osborne Walton  
Executive Chief Information Officer  
124 W. Capitol, Suite 200  
Little Rock, AR 72201  
Telephone: (501) 682-4300

E-Mail: StateCio@mail.state.ar.us  
Website: <www.cio.state.ar.us>

2. State Printer

None.

3. State Archivist

None.

4. State Librarian and/or State Law Librarian

Jack C. Mulkey  
State Librarian  
One Capitol Mall  
Little Rock, AR 72201  
Telephone: (501) 682-1526  
E-Mail: jmulkey@asl.lib.ar.us

5. State Attorney General (on freedom of information act issues, etc.)

Mark Pryor  
Office of the Attorney General  
323 Center St., Suite 200  
Little Rock, AR 72201  
Telephone: (501) 682-2007  
E-Mail: oag@ag.state.ar.us

## **M. IMPORTANT STATE RESOURCES**

Provide URLs or other finding information for:

1. Official state home page

<www.accessarkansas.org>

2. State agency portal

<www.accessarkansas.org/government.php> and select “Arkansas Departments.”

a. Does the portal have a searching capability similar to FirstGov?

The AccessArkansas site has a searching capability called “Discover Arkansas Power Search.” This site includes more than just government information, but a user can restrict a search to that

category, and to subcategories of State Government as well. AccessArkansas is a very impressive and informative website.

### 3. Legislative website

<[www.arkleg.state.ar.us](http://www.arkleg.state.ar.us)>

#### a. Does the website cover the current year only?

No, it covers 1997 to the present. The Arkansas legislature meets every two years unless an extraordinary session is called. The last regular session was in 2001. There has been one extraordinary session in 2002.

#### b. Are services free or fee-based?

Free.

### 4. Judicial websites

<<http://courts.state.ar.us>> (Arkansas state courts)

<[www.ark.uscourts.gov](http://www.ark.uscourts.gov)> (U.S. District Court, Eastern Division)

<[www.arwd.uscourts.gov](http://www.arwd.uscourts.gov)> (U.S. District Court, Western Division)

<[www.ca8.uscourts.gov/index.html](http://www.ca8.uscourts.gov/index.html)> (U.S. Court of Appeals for the 8th Circuit)

### 5. Regulatory agency websites

Secretary of State: <[www.sosweb.state.ar.us](http://www.sosweb.state.ar.us)>

Assessment Coordination Department: <[www.accessarkansas.org/acd](http://www.accessarkansas.org/acd)>

State Bank Department: <[www.state.ar.us/bank](http://www.state.ar.us/bank)>

Department of Community Correction: <[www.dcc.state.ar.us](http://www.dcc.state.ar.us)>

Department of Correction: <[www.state.ar.us/doc](http://www.state.ar.us/doc)>

Arkansas Crime Information Center: <[www.acic.org](http://www.acic.org)>

Department of Economic Development: <[www.1800arkansas.com/home.cfm](http://www.1800arkansas.com/home.cfm)>

Department of Education: <<http://arkedu.state.ar.us>>

Department of Emergency Management: <[www.adem.state.ar.us](http://www.adem.state.ar.us)>

Employment Security Department: <[www.state.ar.us/esd](http://www.state.ar.us/esd)>

Department of Environmental Quality: <[www.adeq.state.ar.us](http://www.adeq.state.ar.us)>

Department of Finance & Administration: <[www.state.ar.us/dfa](http://www.state.ar.us/dfa)>

Department of Health: <[www.healthylarkansas.com](http://www.healthylarkansas.com)>

Arkansas Health Services Permit Agency: <[www.arhspa.org](http://www.arhspa.org)>

Department of Arkansas Heritage: <[www.arkansasheritage.com](http://www.arkansasheritage.com)>

Department of Higher Education: <[www.arkansashighered.com](http://www.arkansashighered.com)>

State Highway and Transportation Department: <[www.ahtd.state.ar.us](http://www.ahtd.state.ar.us)>

Department of Human Services: <[www.state.ar.us/dhs/IE4index.html](http://www.state.ar.us/dhs/IE4index.html)>

Department of Information Systems: <[www.dis.state.ar.us](http://www.dis.state.ar.us)>  
Arkansas Insurance Department: <[www.state.ar.us/insurance](http://www.state.ar.us/insurance)>  
Department of Labor: <[www.ark.org/labor](http://www.ark.org/labor)>  
Department of Parks & Tourism: <[www.arkansas.com](http://www.arkansas.com)>  
Department of Rural Services: <[www.state.ar.us/drs](http://www.state.ar.us/drs)>  
Arkansas Securities Department: <[www.state.ar.us/arsec](http://www.state.ar.us/arsec)>  
Arkansas State Treasury: <[www.state.ar.us/treasury](http://www.state.ar.us/treasury)>  
Department of Workforce Education: <[www.work-ed.state.ar.us](http://www.work-ed.state.ar.us)>

6. Freedom of Information Service Hotline

(800) 482-8982

a. Does the state have an ombudsman for freedom of information act issues?

No.

b. Is the state attorney general's office the public's contact for freedom of information act issues?

The attorney general is mentioned only for the right to seek an opinion from him regarding release of personnel or job evaluation information when the person involved cannot be found. There is no specific government official listed as the public's contact. However, the *Arkansas Freedom of Information Handbook, 10th edition*, published in December 2001, includes an introduction by the attorney general, and the Hotline is called the "AG Office FOI Hotline." Evidently, even though it is not specified in the act, the AG is a contact. There is also an unofficial website called [www.FOIArkansas.com](http://www.FOIArkansas.com) which serves as a source for FOIA information. It is a collaborative effort by six Arkansas newspapers. It provides news, information and links to other resources.