



TIM GRIFFIN
ATTORNEY GENERAL

Opinion No. 2025-059

July 21, 2025

Officer Tommy Norman
North Little Rock Police Department
1 Justice Center Drive
North Little Rock, Arkansas 72114

Dear Officer Norman:

You have requested an opinion from this Office regarding the Arkansas Freedom of Information Act (FOIA). Your request is made as the subject of records under A.C.A. § 25-19-105(c)(3)(B)(i).

Someone has made a FOIA request for your personnel file. They have also requested multiple other types of records: “Parental consent forms”; “Risk management or legal correspondence”; “Any policy exceptions or approvals granted to [you] with media coordinators or public information officers regarding youth engagement”; “Medical approvals for any and all minors that have their media spread or are present in the department”; and “The Board Meeting Documentation Risk approvals for all activities as they relate to minors.”

The custodian identified certain employee records as responsive to this request, and the custodian intends to disclose all those records. You ask whether the custodian’s decisions are consistent with the FOIA.

I have been provided copies of the following employee records for my review:¹

- **Administrative records.** These include multiple signed acknowledgements of various workplace rules, policies, and trainings; a September 13, 2021 “Memorandum” concerning “Civil Service Rules and Regulations”; multiple

¹ I have been provided four sets of records, including many duplicate records: (1) a binder of documents labeled “Professional Standards #1A2004-00844 Redacted”; (2) a binder of documents labeled “NLRPD Personnel and Performance Redacted and Unredacted Vol 1”; (3) a binder of documents labeled “NLRPD Personnel and Performance Redacted and Unredacted Vol 2”; and a thumb drive with the same information in digital form. For purposes of classifying the high volume of records, I have separated the records into five categories.

- “Authorization To Release Employment Information” forms; three job applications, including personal references on the “Police Officer/Cadet Application” form; a completed Form I-9 Employment Eligibility Verification form; multiple signed pre-employment notice and authorization to release information forms; multiple payroll records, including pay increases; a high school diploma; a copy of your social security card and driver’s license; a copy of a child’s social security card; new hire letters; a signed multi-page job audit form; a 1997 letter indicating a passing score on a written exam; three letters concerning the “Entry Level Police Officer” selection process; a list of several law enforcement employees with date and signature of rules and regulations acknowledgment; multiple records concerning benefits and insurance plans, including various insurance enrollment forms, beneficiary forms, and a change of address form; a press release and official statement; and an “Employee Comprehensive Report.”
- **Commendation letters.** These concern numerous letters and emails praising the employee’s performance and community service. Some are made by or at the best of the employer and others were made unsolicited by third parties.
 - **Citizen complaints.** These concern multiple complaints.
 - **Employee evaluations.** These include a “North Little Rock Police Department Performance Management Process” form for June 15, 2009 to June 15, 2010; a “North Little Rock Police Department Performance Management Process” form for June 15, 2010 to June 15, 2011; “North Little Rock Police Department Performance Management Process” form for June 15, 2011 to June 15, 2012; a June 12, 2011 “Self-Appraisal Form”; “North Little Rock Police Department Performance Management Process” form for June 15, 2014 to June 15, 2015; an August 7, 2010 “Self-Appraisal Form;” a 1999 “Personnel Performance Appraisal” form; a 2000 “Personnel Performance Appraisal” form; “Quarterly Probationary or Trial Period Report” performance reviews; a June 1998 “Personnel Conference Memo”; and a 2017 meeting notice to discuss your specified conduct and the rules.
 - **Disciplinary records.** This includes a December 2004 “Corrective Personnel Action” written reprimand that did not result in suspension or termination; a December 2007 “Corrective Personnel Action” written warning for a violation that did not result in suspension or termination; an August 10, 2001 suspension letter; a November 23, 1999 suspension letter; a November 2004 “Administrative Hearing Decision”; and a June 24, 2025 letter of reprimand.
 - **Investigative documents.** These concern Case Report Nos. IA1999-00217, IA2001-00129, and IA2004-00084, which includes a table of contents; investigator notes and letters; a March 30, 2004 complaint-witness interview transcript; an April 6, 2004 complaint-witness interview transcript; two April 7, 2004 complaint-

witness interview transcripts for two different witnesses; an April 8, 2004 interview; an employee statement form; an April 13, 2004 interview transcript of a witness; an April 13, 2004 interview transcript of law enforcement officer witness; an eight-paged April 7, 2004 “Intradepartmental Communication” statement; two May 4, 2024 witness interviews; a May 17, 2004 witness statement; a May 24, 2004 witness statement; a July 15, 2004 “Notification of Rights and Responsibilities” and “Garrity Warning;” a July 22, 2004 witness statement; an “Employee Statement Form” and fifty-one pages of your employee statement for the investigation; a dictaphone recording request form; an August 20, 2004 email concerning a complaint; and November 2004 “Notice of Administrative Hearing” where “Discharge” was recommended for IA2004-00084 case. Additionally, this includes numerous records concerning other investigations into your conduct based on complaints.

RESPONSE

The North Little Rock Police Department’s custodian of records has determined that the records should be released with certain redactions. The custodian’s decision to release the records is partially correct under the FOIA for the reasons outlined in the opinion.

DISCUSSION

1. General rules. A document must be released in response to a FOIA request if all three of the following elements are met. First, the FOIA request must be directed to an entity subject to the FOIA.² Second, the requested document must constitute a public record.³ Third, the document must not be subject to an exemption.⁴

The first two elements appear to be met here. The request was made to the North Little Rock Police Department, which is a public entity subject to the FOIA.⁵ And the records at issue appear to be public records.⁶ Because these records are held by a public entity, they

² *Legis. Joint Auditing Comm. v. Woosley*, 291 Ark. 89, 91, 722 S.W.2d 581, 582 (1987).

³ *Id.*

⁴ *Id.*

⁵ *See, e.g.*, A.C.A. § 25-19-103(7)(A) (including “a public official or employee” or “a governmental agency”).

⁶ The FOIA defines public records as “writings, recorded sounds, films, tapes, electronic or computer-based information, or data compilations in any medium, required by law to be kept or otherwise kept, and that constitute a record of the performance or lack of performance of official functions ... carried out by a public official or employee.” A.C.A. § 25-19-103(7)(A).

are presumed to be public records,⁷ although that presumption is rebuttable.⁸ I have no information, however, to suggest that the presumption can be rebutted, and I will thus turn to whether any exemptions prevent the documents' release.

For purposes of the FOIA, employees' personnel files⁹ normally contain two distinct groups of records: "personnel records" and "employee-evaluation or job-performance records." The test for whether these two types of documents may be released differs significantly. When reviewing documents to determine whether to release under the FOIA, the custodian must first decide whether a record meets the definition of either a "personnel record" or an "employee-evaluation or job-performance record" and then apply the appropriate test for that record to determine whether the record should be released under the FOIA.

2. Administrative records. In my opinion, the administrative records are best categorized as "personnel records," and the custodian's decision to disclose the administrative records is consistent with the FOIA's treatment of "personnel records." Public records are "personnel records" when (1) they pertain to an individual employee, as each document within the set of administrative records does; and (2) they are not an employee-evaluation or job-performance record—created by or at the behest of the employer to evaluate the employee.¹⁰ Although each administrative record appears to have been created by the employer, these records do not provide details or specifics concerning the former employee's performance or lack of performance as a law-enforcement officer. So the documents that make up the set of administrative records are best classified as "personnel records."

Personnel records are open to public inspection except "to the extent that disclosure would constitute a clearly unwarranted invasion of personal privacy."¹¹ While the FOIA does not define the phrase "clearly unwarranted invasion of personal privacy," the Arkansas

⁷ *Id.*

⁸ See *Pulaski Cnty. v. Ark. Democrat-Gazette, Inc.*, 370 Ark. 435, 440–41, 260 S.W.3d 718, 722 (2007) ("[T]he presumption of public record status established by the FOIA can be rebutted if the records do not otherwise fall within the definition found in the first sentence, i.e., if they do not 'constitute a record of the performance or lack of performance of official functions.'" (quoting Ark. Att'y Gen. Op. 2005-095)).

⁹ "Personnel files" are not referenced in the FOIA but typically includes the following documents: employment applications; school transcripts; payroll-related documents such as information about reclassifications, promotions, or demotions; transfer records; health- and life-insurance forms; performance evaluations; recommendation letters; disciplinary-action records; requests for leave-without-pay; certificates of advanced training or education; and legal documents such as subpoenas. *E.g.*, Ark. Att'y Gen. Ops. 2016-104, 97-368; John J. Watkins et al., *The Arkansas Freedom of Information Act* 203–04 (6th ed. 2017).

¹⁰ See, e.g., Ark. Att'y Gen. Ops. 2015-072, 1999-147; Watkins et al., *supra* note 9, at 202.

¹¹ A.C.A. § 25-19-105(b)(12).

Supreme Court has provided some guidance. In *Young v. Rice*, the Court applied a balancing test that weighs the public's interest in accessing the records against the individual's interest in keeping them private.¹² The balancing test, which takes place with a thumb on the scale in favor of disclosure, has two steps.¹³

First, the custodian must assess whether the information contained in the requested record is of such a personal or intimate nature that it gives rise to a greater than minimal privacy interest.¹⁴ If the privacy interest is minimal, then disclosure is required. Second, if the information gives rise to a greater than minimal privacy interest, then the custodian must determine whether that privacy interest is outweighed by the public's interest in disclosure.¹⁵

This Office has consistently opined that the following are personnel records subject to disclosure under the FOIA: interview scores of a successful job applicant;¹⁶ documents that confirm someone's employment;¹⁷ dates of hire;¹⁸ general education background, including schools attended and degrees received;¹⁹ training and certifications;²⁰ employment contracts;²¹ pre-employment background investigations;²² employee names;²³ salaries;²⁴ salary history;²⁵ employee benefit records;²⁶ insurance forms;²⁷ and

¹² 308 Ark. 593, 826 S.W.2d 252 (1992).

¹³ Watkins et al., *supra* note 9, at 208.

¹⁴ *Young v. Rice*, 308 Ark. 593, 598, 826 S.W.2d 252, 255 (1992).

¹⁵ *Id.*

¹⁶ Ark. Att'y Gen. Ops. 2024-096, 96-142.

¹⁷ Ark. Att'y Gen. Ops. 97-063, 97-063.

¹⁸ Ark. Att'y Gen. Ops. 2016-103, 95-256.

¹⁹ Ark. Att'y Gen. Ops. 2016-124, 2015-034, 2008-082, 2006-176.

²⁰ Ark. Att'y Gen. Ops. 2002-252 (training), 2006-165 (educational background), 96-256 (certifications).

²¹ Ark. Att'y Gen. Op. 93-337.

²² Ark. Att'y Gen. Op. 95-256.

²³ Ark. Att'y Gen. Op. 2009-156.

²⁴ Ark. Att'y Gen. Op. 2002-159.

²⁵ Ark. Att'y Gen. Op. 96-205.

²⁶ Ark. Att'y Gen. Op. 97-331.

²⁷ Ark. Att'y Gen. Op. 96-142.

payroll records.²⁸ Therefore, the custodian's decision to release these administrative records as "personnel records" is consistent with the FOIA.

Even if a document, when considered as a whole, meets the test for disclosure, it may contain pieces of information that must be redacted, such as personal contact information of public employees (including personal phone numbers, email addresses, and home addresses),²⁹ employee personnel numbers or identification codes;³⁰ marital status of public employees;³¹ dates of birth of public employees;³² social security numbers;³³ driver's license numbers;³⁴ insurance coverage;³⁵ tax information or withholdings;³⁶ payroll deductions;³⁷ names of children, spouses, and ex-spouses;³⁸ net pay;³⁹ banking information;⁴⁰ and other financial "records that would divulge intimate financial detail."⁴¹

The following information is not currently redacted from the records but should be:

- Your marital status listed in the "Personnel Record" form that contains a list of salary, salary changes, and the reasons for those changes in handwriting;

²⁸ Ark. Att'y Gen. Ops. 2008-129, 94-198.

²⁹ A.C.A. § 25-19-105(b)(13).

³⁰ Ark. Att'y Gen. Ops. 2022-032, 2014-094, 2007-070. Public employee personnel numbers are exempt from disclosure because "these numbers presumably provide access to computerized data, and records containing "personal identification numbers" used for computer security functions are specifically exempt from disclosure under the FOIA." Ark. Att'y Gen. Op. 2022-032; *see also* A.C.A. § 25-19-105(b)(11).

³¹ Ark. Att'y Gen. Op. 2001-080.

³² Ark. Att'y Gen. Op. 2007-064.

³³ Ark. Att'y Gen. Ops. 2006-035, 2003-153.

³⁴ Ark. Att'y Gen. Op. 2007-025.

³⁵ Ark. Att'y Gen. Op. 2023-085, 2016-129, 2004-167.

³⁶ Ark. Att'y Gen. Ops. 2005-194, 2003-385.

³⁷ Ark. Att'y Gen. Op. 98-126.

³⁸ Ark. Att'y Gen. Ops. 2018-084, 2006-165, 2002-237, 2001-080.

³⁹ *E.g.*, Ark. Att'y Gen. Ops. 2023-084, 2018-064, 2018-015, 2002-043, 98-126.

⁴⁰ Ark. Att'y Gen. Op. 2005-194.

⁴¹ Ark. Att'y Gen. Ops. 2005-194, 98-126, 95-242, 95-110, 94-235, 91-093, 87-422.

- Your marital status, pension deduction percentages, and any beneficiary names listed in the City of North Little Rock New Employee “Personnel/Payroll Maintenance Document” for the “Police Officer” position;
- Your marital status listed on the City of North Little Rock New Employee “Personnel/Payroll Maintenance Document” for the “Recreation Aide” position;
- The names of beneficiaries and their relationship to the applicant listed in the life insurance “Beneficiary or Name Change Form,” the Royal “Group Insurance “Beneficiary Designation” form, and the “Payroll Deduction Authorization” form;
- Your driver’s license number listed on the copy of your driver’s license;
- The personal details of insurance coverage, including the coverage and benefits amounts, and, to the extent it is a public employee personnel number, the “Employee ID” listed on the “City of North Little Rock – 2025 Open Enrollment Election” form;
- Personal details of insurance coverage, including beneficiaries, dependents, and the amount each beneficiary is designated to receive, listed on 2021 North Little Rock “Benefits Confirmation Statement”;⁴²
- Coverage and benefit amounts listed on “AUI One America – Voluntary Life/Spouse & Child Life and Short Term Disability” form;
- Name of children and relationship to the applicant listed on the revised OneAmerica “Group Enrollment Form”;
- The child’s name listed on the copy of their Social Security card;
- To the extent that it is a public employee personnel number, the “Emp ID#s” listed on the 2024 “Municipal Health Benefit Fund” form and the “Affidavit of Paternity”;
- To the extent that it is a public employee personnel number, the “Employee #s” listed in the September 13, 2013 “Acknowledgement of Receipt” for civil service Commission rules and regulations
- The names of spouse and child on November 4, 2024 Municipal Health Benefit Fund form;

⁴² See Ark. Att’y Gen. Op. 2004-167.

- Your Social Security Number, the names of dependents and beneficiaries, and the listed relationship to applicant of each dependent or beneficiary on the City of North Little Rock Stephens Insurance Enrollment Application;⁴³
- The name of a child, the child's relationship to the applicant, and the public employee's marital status listed on the Municipal Health Benefit Program "Change Form"; and
- The driver's license number in the "Employee Comprehensive Report (printed December 21, 2015).

The names, addresses, and phone numbers of job references listed on either a résumé or job application are subject to disclosure under the FOIA and cannot be redacted.⁴⁴ If a job reference is a nonelected public employee, and their personal contact information is "contained in employer records,"⁴⁵ then such personal contact information should be redacted. But if the job reference is employed in the private sector, his or her personal contact information—such as addresses and telephone numbers—is not exempt from disclosure.⁴⁶ Thus, to the extent that the names, addresses, and phone numbers of job references listed are employed in the private sector or are nonelected public employees whose personal contact information is "contained in employer records," such information should not be redacted.

Numerous documents contain a four-digit number. To the extent that the number is a personnel identification number, that number should also be redacted.

The "Personnel Record" form lists salary, salary changes, and the reasons for those changes. If the reason for the salary change lists "suspended ... w/o pay," without additional specifics, the "Personnel Record" form is a personnel record subject to release.⁴⁷

3. Commendation letters made by or at the behest of the employer. This Office has consistently opined that employee-evaluation and job-performance records include written

⁴³ See Ark. Att'y Gen. Op. 2008-163 (noting that the "sections labeled 'Full Name of Beneficiary' and 'Relationship to Applicant' and the amount each beneficiary is designated to receive must be redacted").

⁴⁴ Ark. Att'y Gen. Ops. 2016-129, 2005-131, 2001-368, 2001-080.

⁴⁵ See A.C.A. § 25-19-105(b)(13).

⁴⁶ See Ark. Att'y Gen. Ops. 2016-129, 2015-008, 2010-070, 2005-131.

⁴⁷ E.g., Ark. Att'y Gen. Ops. 2023-081, 2023-077, 2023-069, 2015-053.

commendations made by or at the behest of an employer.⁴⁸ An employee-evaluation or job-performance record is a record created by or at the behest of an employer; to evaluate the employee; and that details the employee's performance or lack of performance on the job.⁴⁹ Thus, commendation letters made by or at the behest of the North Little Rock Police Department cannot be released unless all the following elements have been met:

- ***Suspension or termination.*** The employee was suspended or terminated;
- ***Administrative finality.*** The suspension or termination is administratively final and is, therefore, incapable of any administrative reversal or modification;
- ***Relevance.*** The records in question formed a basis for the decision to suspend or terminate the employee; and
- ***Compelling interest.*** The public has a compelling interest in the disclosure of the records in question.⁵⁰

Because commendation letters made by or at the behest of an employer do not entail suspending or terminating the employee, the first two elements would not be met, and such letters should be withheld.

4. Unsolicited commendation letters made by a third-party. Commendation letters from the public praising a public employee are not employee-evaluation or job-performance records because they do not meet the first requirement of such records: being created by or at the behest of the employer.⁵¹ Consequently, this Office has concluded that unsolicited commendation letters written by third parties—someone other than the employer—are personnel records subject to release.⁵²

5. Citizen complaints. An unsolicited letter of complaint—generated by a third party unaffiliated with the employer⁵³—about a public employee is a personnel record and is not

⁴⁸ *E.g.*, Ark. Att’y Gen. Ops. 2025-003, 2024-074, 2009-146, 2008-135, 2008-053, 2006-176, 2003-153, 93-105, 92-231, 89-368, 83-368.

⁴⁹ *Thomas v. Hall*, 2012 Ark. 66, at 8–9, 399 S.W.3d 387, 392; *see also Davis v. Van Buren Sch. Dist.*, 2019 Ark. App. 466, at 7–8, 572 S.W.3d 466, 471 (noting that “[o]ur supreme court has approved” the definition of employee-evaluation records developed by the Attorney General’s Office); Ark. Att’y Gen. Ops. 2015-057, 2009-067, 2006-038, 2003-073, 95-351, 93-055.

⁵⁰ A.C.A. § 25-19-105(c)(1).

⁵¹ Ark. Att’y Gen. Op. 2025-003.

⁵² *See, e.g.*, Ark. Att’y Gen. Ops. 2006-225, 2006-176, 2003-153.

⁵³ *See, e.g.*, Ark. Att’y Gen. Op. 2001-123.

transformed into an employee-evaluation or job-performance record by virtue of any subsequent investigation.⁵⁴ Thus, such letters contained in your personnel file are best classified as personnel records. Any privacy interest that you may have in this record, in my opinion, is far outweighed by the combination of the “thumb on the scale favoring disclosure” and the public’s interest in knowing that a police officer in a position of public trust may have abused that trust while on duty.⁵⁵ Therefore, the custodian’s decision to disclose such records as “personnel records” is consistent with the FOIA.

6. Disciplinary records. Although the FOIA itself does not define the phrase “employee-evaluation record” or “job-performance record,” the Arkansas Supreme Court has adopted this Office’s view that such records are (1) created by or at the behest of the employer (2) to evaluate the employee (3) that detail the employee’s performance or lack of performance on the job.⁵⁶ Under this definition, most of the disciplinary records at issue here qualify as employee-evaluation or job-performance records.

6.1. Written reprimand. Among the documents you have provided for my review are written reprimands or warnings signed by a supervisor. This Office has consistently opined that employee-evaluation and job-performance records include “written reprimands ... [and] letters of caution.”⁵⁷ That is the case here. Therefore, written reprimands and warnings cannot be released unless all the following elements have been met: suspension or termination; administrative finality; relevance; and compelling interest.

The December 2004 “Corrective Personnel Action” written reprimand, the December 2007 “Corrective Personnel Action” written warning, and the June 24, 2025 letter of reprimand do not meet the requirements of disclosure because the employee was not suspended or terminated based on the contents of the letter. Although such letters provide reasons for the reprimand or warning, it does not reflect adverse employment action that goes beyond just a written warning. Therefore, such written reprimands and warnings should not be disclosed under the FOIA.

6.2. Suspension letters. Suspension letters may qualify as a personnel record or as an employee-evaluation or job-performance record depending on the letter’s contents. This Office has consistently opined that a suspension letter qualifies as a personnel record when the letter *does not specify* the grounds for suspension.⁵⁸ On the other hand, this Office has

⁵⁴ Ark. Att’y Gen. Ops. 2001-123, 2000-166, 98-130, 98-001, 96-257.

⁵⁵ *E.g.*, Ark. Att’y Gen. Ops. 2023-117, 2018-023, 1998-260.

⁵⁶ *Hall*, 2012 Ark. at 8–9, 13, 399 S.W.3d at 392, 394–95; *see also* Ark. Att’y Gen. Ops. 2009-067, 2008-004, 2007-225, 2006-038, 2005-030, 2003-073, 1998-006, 2997-222, 1995-351, 1994-306, 1993-055.

⁵⁷ *E.g.*, Ark. Att’y Gen. Ops. 2009-146, 2008-135, 1997-261, 1993-105, 1992-231, 1991-324.

⁵⁸ *E.g.*, Ark. Att’y Gen. Ops. 2023-081, 2023-077, 2023-069, 2015-053.

consistently opined that a suspension letter qualifies as an employee-evaluation and job-performance record when that letter *does specify* the grounds for the suspension.⁵⁹

Both the November 23, 1999 suspension letter and the August 10, 2001 suspension letter contain the specific reasons for the suspension. Thus, they are employee-evaluation or job-performance records and meet each element for release: suspension; administrative finality; relevance; and compelling interest.

But the November 2004 “Administrative Hearing Decision” notice is a personnel record subject to release because it does not specify the reason for suspension.

7. Employee evaluation forms. Because the employee evaluation forms were created by the employer to evaluate the employee and detail the employee’s performance, such records are employee-evaluation or job-performance records and should be withheld from release unless all the following elements have been met: suspension or termination; administrative finality; relevance; and compelling interest. The evaluation forms created by or at the behest of the employer did not result in suspension or termination. Thus, such records should not be released.

And while the 2000 “Personnel Performance Appraisal” form notes a suspension, it does not provide the specific reason for the suspension. Further, the information contained in the letter did not serve as the basis of the suspension. Thus, such a record should also be withheld.

To the extent that your August 1, 2018 “Productivity” letter that accompanied a “Personnel Conference Memo” was made by or at the behest of your employer, such letter would also be an employee-evaluation or job-performance record. But it would not be subject to release because there was no resulting suspension or termination. If the August 1, 2018 “Productivity” letter was not made by or at the behest of your employer, such a record would be a personnel record subject to release.

8. Investigative records. As this Office has consistently concluded, records in an internal affairs file that have been generated at the behest of the employer while investigating a complaint against an employee (evaluating the employee and detailing performance or lack of performance on the job) constitute employee-evaluation or job-performance records.⁶⁰ Thus, internal complaints and records—including witness statements and transcripts of

⁵⁹ E.g., Ark. Att’y Gen. Ops. 2001-276 (opining that a letter of suspension was an “employee evaluation/job performance record” when the letter “detail[ls] the incidents that gave rise to the discipline”), 2001-244 (opining that “any document reflecting the fact of disciplinary charges brought against you, regardless of when the document was created, qualifies as a ‘job performance record’”), 1998-075 (analyzing a list containing law-enforcement officer disciplinary action in the past 5 years).

⁶⁰ Ark. Att’y Gen. Op. 2007-311, 97-081, 92-319; *see also* Ark. Att’y Gen. Op. 2004-178.

interviews conducted during the investigation⁶¹—that were generated by or at the behest of the employer in the course of investigating complaints are best classified as employee-evaluation or job-performance records. These employee-evaluation or job-performance records cannot be released unless the four previously discussed elements for disclosure have been met.

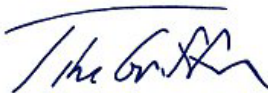
For the case file records provided in Case Nos. IA2004-00084, IA2001-00129, and IA1999-00217, all four elements have been met: (1) you were suspended; (2) the records formed a basis for the suspension; (3) the suspension appears to be administratively final, and (4) the public has a compelling public interest in the disclosure of the records because, as this Office has consistently opined, law-enforcement officers are vested with significant public trust, so there is usually a compelling public interest in records, such as these, that reflect policy violations.⁶²

The investigative files for Case No. IA2004-00084 contain multiple records that appear to be Arkansas Crime Information Center (ACIC) data under A.C.A. §§ 12-12-201 to -220. Such records are labeled “Global Name Inquiry,” “Incident Maintenance,” “Work with Documents,” and “Jacket Activity.” Criminal history information that is held by or has been obtained from the ACIC is exempt from release under the FOIA. If the information—including handwritten summaries⁶³—contained in the investigative files is ACIC criminal history information that was obtained from the ACIC, such information must be withheld.⁶⁴

The other investigative records would not be subject to release under the FOIA if there was no termination or suspension resulting from the investigations.

Assistant Attorney General William R. Olson prepared this opinion, which I hereby approve.

Sincerely,



TIM GRIFFIN
Attorney General

⁶¹ Ark. Att’y Gen. Ops. 2000-175 (interview transcripts), 98-001 (witness statements).

⁶² Ark. Att’y Gen. Ops. 2024-018, 2023-120, 2023-071, 2023-013, 2014-129, 2006-026.

⁶³ *E.g.*, Ark. Att’y Gen. Op. 2000-168.

⁶⁴ *E.g.*, Ark. Att’y Gen. Ops. 2008-138, 93-106, 91-111.