



**TIM GRIFFIN**  
ATTORNEY GENERAL

Opinion No. 2025-066

July 31, 2025

Officer Brittany Byrd  
Email: brittbyrd89@hotmail.com

Dear Officer Byrd:

You have requested an opinion from this Office regarding the Arkansas Freedom of Information Act (FOIA). Your request, which is made as both the subject of the records and the requester of the records, is based on A.C.A. § 25-19-105(c)(3)(B)(i). This subdivision authorizes the custodian, requester, or the subject of certain employee-related records to seek an opinion stating whether the custodian's decision regarding the release of such records is consistent with the FOIA.

According to your correspondence, you requested a number of records from the Conway Police Department, including "copies of all Supervisor MDR-Video Review Logs (CPD Form 229)" and "all corresponding CPD Form 81 completed by any supervisor which includes the evaluation, examination, review or recommended corrective action of Brittany Byrd's body worn camera, or in-car recording system (dash camera) from 01/01/2023 through 06/30/2025." Although the Conway Police Department has provided some of the requested records, the custodian has denied your request "for the CPD Form 229 and Form 81," claiming that "these are evaluations and are exempt under [A.C.A. §] 25-19-105."

You have clarified that your request is only for those video review logs evaluating your own performance and for Form 81 records evaluating you. You ask whether the custodian's decision to withhold these particular records is consistent with the FOIA.

**RESPONSE**

The FOIA specifically authorizes a public employee to gain access to his or her own personnel records and employee evaluations: "Any personnel or evaluation records exempt from disclosure under [the FOIA] shall nonetheless be made available to the person about whom the records are maintained or to that person's designated representative."<sup>1</sup>

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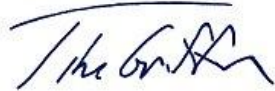
<sup>1</sup> A.C.A. § 25-19-105(c)(2).

The records custodian has classified the requested Form 229 and Form 81 records as evaluation records.<sup>2</sup> And you have stated that the requested video review logs evaluate your performance as an officer, that Form 229 summarizes the evaluation, and that Form 81 is a form created to review or recommend officer training based on the evaluations.

While I have not seen the requested records and cannot definitively opine on their contents, the information you have provided suggests that they are your evaluation records. Therefore, the custodian's decision to withhold those requested records is likely inconsistent with the FOIA.

Senior Assistant Attorney General Kelly Summerside prepared this opinion, which I hereby approve.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim Griffin", with a horizontal line drawn above it.

TIM GRIFFIN  
Attorney General

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<sup>2</sup> Employee-evaluation and job-performance records are records (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. *See 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.