

FREEDOM OF INFORMATION (FOI)

I. Policy:

- A. **Most Agency documents are "public records."** The Health Department is a government agency which is subject to the Arkansas Freedom of Information Act (FOIA), (Ark. Code Ann. § 25-19-101, et seq). All records maintained in Agency offices or by Agency employees, within the scope of their employment, are "public records" unless the Act creates an exception (see Exceptions in this policy). Public records include writings, recorded sounds, films, tapes, and data kept in any form.

The Agency cannot deny any person:

- The right to inspect public records and reasonable access to these records (unless the record falls within an exception).
- Reasonable comforts and facilities for the activity of inspecting.
- Copies of public records.

Note: An FOI request does not require the creation of a record or the compilation of data. The FOIA merely makes public those records which already exist.

If a public record is in active use or storage and is not available at the time a citizen asks to examine it, the Agency must certify that fact in writing and set a date and time within three working days when the record will be available.

The Agency may charge 10¢ per page after the first 100 copies for costs of copying materials but not for time.

Note: Each patient may receive one copy of his/her medical record free of charge.

If copies of blueprints or plans are requested, the professional who drafted them must consent to the release. If the necessary copy equipment is not available, an Agency employee may accompany the requesting party to a facility where the records can be copied.

Note: The requesting party is responsible for direct payment to the vendor copies.



B. Exceptions. Some records maintained by the Agency are not public records.

The following records are not available to the public:

- Medical, scholastic, and adoption records.
- Unpublished memoranda, working papers, and correspondence of the Governor, members of the General Assembly, Supreme Court Justices, and the Attorney General.
- Files which, if disclosed, would give advantage to competitors or bidders, such as blueprints or plans.
- Personnel records to the extent that disclosure would constitute clearly unwarranted invasion of personal privacy.
- Records which are protected by other law(s), such as vital records, WIC records, and reports of health facility inspections.

Other records which are not normally kept by this Agency are also protected from public disclosure. They include State income tax records, unpublished quasi-judicial opinions and decisions, undisclosed investigations of suspected criminal activity by law enforcement agencies, and the identity of law enforcement officers.

II. Procedures:

Responsibility

Action

Service Unit Leader/Health
District Manager/LHU
Administrator/IHS Coordinator/
Designee

Places copy of FOIA policy in folder and maintains the folder at the reception desk at all work units.

Work Unit Leader/LHU
Administrator/IHS
Coordinator

Establishes an FOI file where all requests requests for access to and/or copies of Agency records are maintained.

Receives request to disclose records. Note:

The request must be detailed enough for the records custodian to identify and provide specific records.



Responsibility

Action

Work Unit Leader/LHU
Administrator/IHS
Coordinator

Contacts the employee whose records
have been requested.

Note: The employee can object and
request the Attorney General's
opinion.

Determines if the record is considered public record and may be disclosed and reproduced,

OR

Contacts the Agency Attorney if this determination cannot be made.

Agency Attorney
Administrator/IHS Coordinator
Advises the Work Unit Leader/LHU
Coordinator whether the information is/is not public record and
may/may not be disclosed.

Work Unit Leader/LHU
Administrator/IHS Coordinator
Informs the requesting party whether the
information may/may not be disclosed.

If the request is denied, and the requesting party wishes to appeal, refers the requesting
party to the Agency Attorney for appeal procedures,

OR If request is approved:

- determines whether records are immediately accessible,
- provides records immediately if accessible (or when requester returns at appointed
time),

OR

Certifies in writing to requesting party that requested information is:

- in active use
- in storage
- not available in format requested

AND



<u>Responsibility</u>	<u>Action</u>
Work Unit Leader/LHU Administrator/IHS Coordinator	Immediately establishes in writing a date and hour records are to be made available within three workdays. May review the record with the requesting party. Reproduces and provides copies of the record upon request.
LHU Administrator (In the accountability Field)/IHS Coordinator receipting payment of copy costs.	Adheres to established fiscal policies and procedures for
Work Unit Leader (In the Central Office) and receipting of copy costs.	Accompanies requesting party to the Office of Finance cashier for collection
Work Unit Leader/LHU Administrator/IHS file. Coordinator	Writes a statement and date of disposition and places in the work unit FOI
Workforce and Career	Includes in the Agency employee orientation development packet a copy of the FOIA policy, a summary of questions and answers, and instructions about the FOIA.

