

ARKANSAS LOTTERY COMMISSION RECORDS RETENTION POLICY

The Arkansas Lottery Commission (ALC) acknowledges that it maintains many public records used in the administration and operation of state government and is dedicated to responding to all public records requests in a timely and efficient manner.

The ALC maintains its public records in such a manner as to allow the general public prompt inspection and/or copies of records within a reasonable amount of time during regular business hours. The ALC charges only the actual cost of copying and, if applicable, mailing public records. The following copy fees apply and must be paid in full to the Lottery prior to receiving public record copies:

10 cents (\$.10) per single-sided page
15 cents (\$.15) per double-sided page
One dollar (\$1.00) per compact disc

The Lottery, at its sole discretion, may choose to waive any and all costs associated with a public records request. Any waiver of costs does not relinquish the Lottery's right to recover the actual cost of public records requests at any time thereafter.

PURPOSE

It is the ALC's policy to provide convenient, prompt and open access to all public records maintained by the ALC in accordance with Arkansas Code Ann. § 25-19-101 et seq. (The Arkansas Freedom of Information Act) and the Arkansas General Records Retention Schedule. The ALC is dedicated to responding to all public records requests in a timely and efficient manner, and this policy applies to all of the Lottery's public records regardless of who created the records, how they are distributed, or how they are maintained, unless otherwise exempt. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request must be accompanied by an explanation. If the request is in writing, the explanation must also be in writing.

DEFINITIONS

1. **Public Record:** Unless otherwise exempt, a public record means 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 that are or should be carried out by a public official or employee, a governmental agency, or any other agency wholly or partially supported by public funds or expending public funds. All records maintained in public offices or by public employees within the scope of their employment shall be presumed to be public records.
2. **E-mail as a Public Record:** Documents in electronic format are records as defined by the Public Records Act when their content relates to the business of the office, or are used to conduct public business. The ALC discourages the use of private e-mail accounts to conduct public business.

POLICY

1. Maintenance of Records

a. Records will be organized and maintained so that they are readily available for inspection and copying.

b. Record Retention Schedules are to be updated as needed and posted prominently on the ALC's web site.

2. Request for Public Records

a. Public records requests may be verbal or in writing. While written requests are not required, they are encouraged inasmuch as they help assist the ALC in properly identifying the records being requested. Public records requests must identify the records requested with sufficient clarity so as to permit the ALC to identify, retrieve, and review the records. If a request fails to sufficiently identify the records being requested, the ALC will contact the requester for clarification and will offer assistance in revising the request by informing the requester of the manner in which the Lottery maintains its records. The FOI does not require the custodian of the record to compile information or to create a record in response to an FOI request.

b. All public records requests should be directed to the Staff Attorney for appropriate action. However, any request for personnel files shall be forwarded to the Office of Human Resources for appropriate action.

c. A requester need not provide his or her identity or the intended use of the public record.

3. Response to Requests

a. Request for Inspection: Public records shall be promptly prepared and made available for inspection by any person at all reasonable times during regular business hours. Routine requests should be satisfied immediately, if feasible. "Prompt" and "reasonable" take into account the volume of records requested, the proximity of the Location where the records are stored, and the necessity for legal review of the records requested. There will be no charge for the inspection of records.

Note: No original document will be permitted to leave the control of the Lottery, but may be inspected under supervision.

b. Request for Copies: Upon request, Staff Attorney shall make copies available within a reasonable period of time and at the actual cost of producing the copy. Routine requests should be satisfied immediately, if feasible. Reasonable time takes into account the volume of records requested, the proximity of the location where the records are stored, and the necessity for any legal review of the records requested.

Note: The requester will NOT be permitted to make his/her own copies of the requested records.

c. Response Time: All public records requests must be either satisfied or acknowledged in writing by the Lottery within three (3) business days following receipt of the request. If a request is deemed significantly beyond “routine,” e.g., requests seeking a voluminous number of copies or requiring extensive research, the acknowledgement must include the estimated time it will take to satisfy the request, the estimated cost if copies are requested, and any items within the request that may be exempt from disclosure. If a public record is in active use or in storage and therefore not available at the time a citizen asks to examine it, the custodian shall certify this fact in writing to the applicant and within three (3) working days set a date and hour at which time the record will be available for the exercise of the right given by this chapter.

d. Copying and Mailing Costs: The charge for paper copies is ten cents (\$.10) per page. The charge for two-sided copies is 15 cents (\$.15) per page. The charge for records downloaded to compact disc is one dollar (\$1.00) per disc. There is no charge for records sent via e-mail. All copying costs must be paid in full to the Lottery prior to the release of the copied records. Upon request, the Lottery will forward public records to the requester via U.S. mail. The requester must provide the actual cost of postage and mailing supplies to the Lottery prior to mailing. The Arkansas Lottery Commission may choose to waive any and all costs associated with compliance with a public records request. Any waiver of costs should not be construed to waive, and does not in fact waive, any future right of the ALC to request or collect the actual costs of compliance with a public records request.

e. Questions regarding a public records request shall be referred to the Staff Attorney for appropriate action.

4. Denial of Public Records Request

Any denial of a public records request must include an explanation and supporting legal authority. If a record is partially exempt, the exempt portions are to be redacted and the remainder released. Each redaction must be accompanied by an explanation and supporting legal authority.

5. Review of Request

A review of all public records requests is necessary to prevent the disclosure of personal information, confidential information, and other exempt information which may include, but is not limited to:

a. Security Records and Infrastructure Records: Records containing measures, procedures, instructions, or related data used to cause a computer or a computer system or network, including telecommunication networks or applications thereon, to perform security functions, including, but not limited to, passwords, personal identification numbers, transaction authorization mechanisms, and other means of preventing access to computers, computer systems or networks, or any data residing therein.

b. Personal Information: Social Security numbers (SSNs), account numbers, personal addresses, unlisted telephone numbers and medical records are protected under

federal and state privacy laws and will be redacted from all records provided pursuant to a public records request. Additionally, confidential records protected by law, e.g., certain investigatory, criminal and education records will not be provided pursuant to a public records request. Demands for this type of personal information shall be forwarded to the Staff Attorney for appropriate action.

c. Confidential Information and Trade Secrets: The Lottery may possess documents that are considered confidential. Generally, these are records in the drafting phase of projects or information from a vendor which may not be prematurely released. For example, during a bid process, a vendor may submit documents containing trade secrets or proprietary information that the vendor has reasonably attempted to keep confidential. Any public records request for such confidential information or trade secrets shall be forwarded to the Staff Attorney for appropriate action.

The Records Retention Schedule covers the following departments, and can also be accessed on the ALC's website: lotterycommission.arkansas.gov.

- Executive/General Administrative Records
- Office of Gaming Operations
- Office of Administration
- Office of Legal Counsel
- Office of Internal Audit

All public records requests should be directed to the Staff Attorney, Arkansas Lottery Commission. If you have questions about the Arkansas Lottery Commission's Public Records Policy, please feel free to contact the ALC Staff Attorney at:

Arkansas Lottery Commission
P.O. Box 3238
Little Rock, Arkansas 72203