



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

FACT SHEET FOR H.B. 2593

public records; time frame

Purpose

Requires an entity that is subject to a public records request to provide, within five business days, a notification that includes the expected date that the request will be processed. Subjects a public body in violation of a public records request to a civil penalty of at least \$500 to \$5,000 for each occurrence and outlines requirements for assessing the civil penalty.

Background

Public bodies must maintain records in order to maintain an accurate knowledge of the public body's official activities. Each public body and officer must be responsible for the preservation, maintenance and care of the public records. Public records must be secured, protected and preserved from deterioration, mutilation, loss or destruction. Any person may request to examine or be furnished copies, printouts or photographs of any public record during regular office hours. An entity that is subject to a public records request must provide the name, telephone number and email address of an employee or department that is authorized and able to provide the requested information. Unless the entity maintains a centralized online portal to submit public records requests and provides a receipt on submission of a request, an employee or department that is authorized and able to provide requested information must reply within five business days acknowledging the receipt of the request. Access to a public record is denied if a custodian fails to: 1) promptly respond to a request for production of a public record; or 2) provide the requesting person an index of any record or categories of records that are withheld from production (A.R.S. §§ [39-121.01](#) and [39-171](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Replaces the requirement that an entity that is subject to a public records request acknowledge receipt of a request within five days with the requirement that the entity, within five business days after receipt of a public records request, provide a notification that outlines:
 - a) that the request has been received;
 - b) the contact information of the employee or department that is authorized and able to provide the information; and
 - c) the expected date the request will be processed.
2. Specifies that the requirement for a public records request does not preclude an entity from notifying a requestor of a public record of the denial or delay of the request.

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3. Subjects a public body that willfully or intentionally refuses to comply with a public records request or otherwise acts in bad faith to a civil penalty of at least \$500 to \$5,000 for each occurrence.
4. Requires the aggravation and mitigation of the entity and whether the entity has previously been assessed penalties for public records violations to be considered, when assessing the civil penalty for a public records violation.
5. Specifies that a civil penalty for a public records violation does not exclude an award for any other penalty or cost, including attorney fees and legal costs.
6. Makes technical and conforming changes.
7. Becomes effective on the general effective date.

House Action

GOV	2/7/24	DPA	9-0-0-0
3rd Read	3/4/24		48-12-0

Prepared by Senate Research

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AN/slp