

51 Okl.St. Ann. § 24A.1

Oklahoma Statutes Annotated Currentness

Title 51. Officers (Refs & Annos)

▣ Chapter 1. General Provisions

▣ Oklahoma Open Records Act (Refs & Annos)

⇒ § 24A.1. Short title

Section 24A.1 et seq. of this title shall be known and may be cited as the "Oklahoma Open Records Act".

CREDIT(S)

Laws 1985, c. 355, § 1, eff. Nov. 1, 1985; Laws 1988, c. 68, § 1, eff. Nov. 1, 1988; Laws 1988, c. 187, § 1, emerg. eff. June 6, 1988; Laws 1996, c. 247, § 41, eff. July 1, 1996; Laws 1997, c. 2, § 10, emerg. eff. Feb. 26, 1997.

HISTORICAL AND STATUTORY NOTES

2008 Main Volume

Laws 1988, c. 68, § 1 rewrote the section, which prior thereto read:

"Sections 1 through 18 of this act shall be known as the 'Oklahoma Open Records Act'."

Laws 1988, c. 187, § 1 substituted "24A.19 and Section 7 of this act" for "24A.18 of this title and Section 2 of this act".

Laws 1996, c. 247, § 41 substituted "24A.22 of this title and Section 42" for "24A.19 of this title and Section 7".

The 1997 amendment rewrote the section, which prior thereto read:

"Sections 24A.1 through 24A.22 of this title and Section 42 of this act shall be known as the 'Oklahoma Open Records Act'."

Section 1 of Laws 1996, c. 209, amending this section, was repealed by Laws 1997, c. 2, § 26.

Title of Act:

An Act relating to officers; providing short title; stating purpose; defining terms; requiring public bodies and public officials to keep and maintain certain records for public inspection; providing for inspection and copying; providing exceptions; authorizing fees and procedures; providing for confidentiality of certain records; authorizing public inspection of certain law enforcement records; providing penalties; providing for civil liability; repealing 51 O.S.1981, section 24, which relates to inspection of public records; and providing an effective date. Laws 1985, c. 355.

LAW REVIEW AND JOURNAL COMMENTARIES

Open records in Oklahoma; where are we now? Ronald A. White, 57 Okla.B.J. 1831 (1986).

RESEARCH REFERENCES

2009 Electronic Update

ALR Library

29 ALR 6th 507, Validity, Construction, and Application of State Statutes Implementing the Uniform Unclaimed Property Act or Its Predecessor--Modern Status.

Treatises and Practice Aids

24 Causes of Action 2d 227, Cause of Action for Termination of At-Will Employee in Violation of Public Policy.

3 Oklahoma Practice § 40.02, Definitions--Newsman.

3 Oklahoma Practice § 42.04, The Topical Privileges--Secrets of State and Other Official Information.

NOTES OF DECISIONS

Construction and application 1
Construction with other laws 2

1. Construction and application

Open Records Act did not preclude Oklahoma State Department of Health (OSDH) from adding, in declaratory judgment action challenging its refusal to disclose certain records concerning nursing facility residents, to the reasons for denying access that it stated to the plaintiff in the initial challenged determination, and thus OSDH could base its affirmative defenses in the declaratory judgment action on various state and federal statutes and rules despite the fact that its initial response to plaintiff's request merely explained that the records were covered under various federal acts and gave an address to which the request should be directed. Progressive Independence, Inc. v. Oklahoma State Dept. of Health, Okla.Civ.App. Div. 3, 174 P.3d 1005 (2007). Records ~~62~~ 62

There is no provision in the Open Records Act which allows a court to balance an individual's interest in having records remain private and the public's interest in having access to the records. Nichols v. Jackson, Okla.Crim.App., 38 P.3d 228 (2001), opinion after certified question answered 55 P.3d 1044. Records ~~64~~ 64

The Grand River Dam Authority is subject to the Open Meeting Act. Op.Atty.Gen. No. 02-44 (Nov. 21, 2002).

2. Construction with other laws

The Oklahoma Ethics Commission or any other public body may not make rules, policy or procedures that conflict with the Open Records Act ("Act") or its enabling legislation. Op.Atty.Gen. Opinion No. 06-35 (November 09, 2006), 2006 WL 3386751.

51 Okl. St. Ann. § 24A.1, OK ST T. 51 § 24A.1

Current with chapters of the First Regular Session of the 52nd Legislature (2009) effective August 26, 2009.

(c) 2009 Thomson Reuters

END OF DOCUMENT

(c) 2009 Thomson Reuters. No Claim to Orig. US Gov. Works.

51 Okl.St. Ann. § 24A.2

Oklahoma Statutes Annotated Currentness

Title 51. Officers (Refs & Annos)

^Chapter 1. General Provisions

^Oklahoma Open Records Act (Refs & Annos)

⇒**§ 24A.2. Public policy--Purpose of act**

As the Oklahoma Constitution recognizes and guarantees, all political power is inherent in the people. Thus, it is the public policy of the State of Oklahoma that the people are vested with the inherent right to know and be fully informed about their government. The Oklahoma Open Records Act shall not create, directly or indirectly, any rights of privacy or any remedies for violation of any rights of privacy; nor shall the Oklahoma Open Records Act, except as specifically set forth in the Oklahoma Open Records Act, establish any procedures for protecting any person from release of information contained in public records. The purpose of this act [FN1] is to ensure and facilitate the public's right of access to and review of government records so they may efficiently and intelligently exercise their inherent political power. The privacy interests of individuals are adequately protected in the specific exceptions to the Oklahoma Open Records Act or in the statutes which authorize, create or require the records. Except where specific state or federal statutes create a confidential privilege, persons who submit information to public bodies have no right to keep this information from public access nor reasonable expectation that this information will be kept from public access; provided, the person, agency or political subdivision shall at all times bear the burden of establishing such records are protected by such a confidential privilege. Except as may be required by other statutes, public bodies do not need to follow any procedures for providing access to public records except those specifically required by the Oklahoma Open Records Act.

CREDIT(S)

Laws 1985, c. 355, § 2, eff. Nov. 1, 1985; Laws 1988, c. 187, § 2, emerg. eff. June 6, 1988.

[FN1] Title 51, § 24A.1 et seq.

HISTORICAL AND STATUTORY NOTES

2008 Main Volume

The 1988 amendment rewrote the section, which prior thereto read:

"As the Oklahoma Constitution recognizes and guarantees, all political power is inherent in the people. Thus, it is the public policy of the State of Oklahoma that the people are vested with the inherent right to know and be fully informed about their government. The purpose of this act is to ensure and facilitate the public's right of access to and review of government records so they may efficiently and intelligently exercise their inherent political power."

RESEARCH REFERENCES

2009 Electronic Update

ALR Library

27 ALR 4th 680, What Are "Records" of Agency Which Must be Made Available Under State Freedom of Information Act.

169 ALR 653, Enforceability by Mandamus of Right to Inspect Public Records.

NOTES OF DECISIONS

Confidential privilege 3
 Construction and application 1
 Construction with other laws 2
 Electronic mail 5
 Timing of access 4

1. Construction and application

Unless a record falls within a statutorily prescribed exemption in the Open Records Act, the record must be made available for public inspection. Progressive Independence, Inc. v. Oklahoma State Dept. of Health, Okla.Civ.App. Div. 3, 174 P.3d 1005 (2007). Records ↔ 54

Employer did not violate any public policy when it terminated employed who refused to dismiss his counterclaim under the Open Records Act against a third party, as would enable employee to state a wrongful discharge claim under the public policy exception to the employment at will doctrine; while the Act expressly set forth the public policy concerning the people's right to know and be fully informed about their government, it was silent as to any public policy against conditioning continued employment on the abandonment of claims pursuant to the Act. Shero v. Grand Sav. Bank, Okla., 161 P.3d 298 (2007), rehearing denied. Labor And Employment ↔ 759

The legislature has determined by statute that the public's interest in having access is greater than an individual's interest in having records remain private, except where specific statutory exemption is given, however, such statutory provisions are always subject to interpretation to ensure compliance with constitutionally guaranteed rights. Nichols v. Jackson, Okla.Crim.App., 38 P.3d 228 (2001), opinion after certified question answered 55 P.3d 1044. Records ↔ 54

The Oklahoma Open Records Act does not apply to the Governor's Security and Preparedness Executive Panel because the Panel is not a "public body" and because the documents possibly created by the Panel are not "public records". Op.Atty.Gen. No. 02-5 (Feb. 7, 2002).

2. Construction with other laws

The Oklahoma Open Records Act does not require personal information submitted by an applicant and/or licensee to the Oklahoma State Department of Health to be publicly disclosed when it is required by the certified nursing aide and nursing aide trainee registry. Op.Atty.Gen. No. 01-7 (Feb. 16, 2001).

3. Confidential privilege

A municipality may withhold portions of a telephone bill or delete information on the bill only if a privilege of confidentiality exists which authorizes confidentiality of the information with the burden to establish a privilege of confidentiality upon the person or entity that seeks to establish it. Op.Atty.Gen. No. 95-97 (March 13, 1996).

4. Timing of access

University Hospitals Authority violated neither Open Meeting Act nor Open Records Act, even though copies of contract for long term lease of hospitals from University Trust to private hospital corporation were not made available to protestants of transaction until two days before meeting of Authority at which contract was approved, where contract was not completed until two days before meeting and was made available to protestants as soon as it came into existence. Petition of University Hospitals Authority, Okla., 953 P.2d 314 (1997), rehearing denied. Health ↔ 232; Records ↔ 62

5. Electronic mail

Electronic mail connected with the transaction of official business, the expenditure of public funds or

the administration of public property and created by or received by a state public body or a public body of a political subdivision constitutes a record and is subject to the Oklahoma Open Records Act. Op. Atty. Gen. No. 01-46 (Nov. 7, 2001).

51 Okl. St. Ann. § 24A.2, OK ST T. 51 § 24A.2

Current with chapters of the First Regular Session of the 52nd Legislature (2009) effective August 26, 2009.

(c) 2009 Thomson Reuters

END OF DOCUMENT

(c) 2009 Thomson Reuters. No Claim to Orig. US Gov. Works.

51 Okl.St. Ann. § 24A.3

Oklahoma Statutes Annotated Currentness

Title 51. Officers (Refs & Annos)

↳ Chapter 1. General Provisions

↳ Oklahoma Open Records Act (Refs & Annos)

⇒ § 24A.3. Definitions

As used in this act: [FN1]

1. "Record" means all documents, including, but not limited to, any book, paper, photograph, microfilm, data files created by or used with computer software, computer tape, disk, record, sound recording, film recording, video record or other material regardless of physical form or characteristic, created by, received by, under the authority of, or coming into the custody, control or possession of public officials, public bodies, or their representatives in connection with the transaction of public business, the expenditure of public funds or the administering of public property. "Record" does not mean:

- a. computer software,
- b. nongovernment personal effects,
- c. unless public disclosure is required by other laws or regulations, vehicle movement records of the Oklahoma Transportation Authority obtained in connection with the Authority's electronic toll collection system,
- d. personal financial information, credit reports or other financial data obtained by or submitted to a public body for the purpose of evaluating credit worthiness, obtaining a license, permit, or for the purpose of becoming qualified to contract with a public body,
- e. any digital audio/video recordings of the toll collection and safeguarding activities of the Oklahoma Transportation Authority,
- f. any personal information provided by a guest at any facility owned or operated by the Oklahoma Tourism and Recreation Department or the Board of Trustees of the Quartz Mountain Arts and Conference Center and Nature Park to obtain any service at the facility or by a purchaser of a product sold by or through the Oklahoma Tourism and Recreation Department or the Quartz Mountain Arts and Conference Center and Nature Park,
- g. a Department of Defense Form 214 (DD Form 214) filed with a county clerk, including any DD Form 214 filed before the effective date of this act, or
- h. except as provided for in Section 2-110 of Title 47 of the Oklahoma Statutes,
 - (1) any record in connection with a Motor Vehicle Report issued by the Department of Public Safety, as prescribed in Section 6-117 of Title 47 of the Oklahoma Statutes,
 - (2) personal information within driver records, as defined by the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725, which are stored and maintained by the Department of Public Safety, or
 - (3) audio or video recordings of the Department of Public Safety;

2. "Public body" shall include, but not be limited to, any office, department, board, bureau, commission, agency, trusteeship, authority, council, committee, trust or any entity created by a trust,

county, city, village, town, township, district, school district, fair board, court, executive office, advisory group, task force, study group, or any subdivision thereof, supported in whole or in part by public funds or entrusted with the expenditure of public funds or administering or operating public property, and all committees, or subcommittees thereof. Except for the records required by Section 24A.4 of this title, "public body" does not mean judges, justices, the Council on Judicial Complaints, the Legislature, or legislators;

3. "Public office" means the physical location where public bodies conduct business or keep records;
4. "Public official" means any official or employee of any public body as defined herein; and
5. "Law enforcement agency" means any public body charged with enforcing state or local criminal laws and initiating criminal prosecutions, including, but not limited to, police departments, county sheriffs, the Department of Public Safety, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic Beverage Laws Enforcement Commission, and the Oklahoma State Bureau of Investigation.

CREDIT(S)

Laws 1985, c. 355, § 3, eff. Nov. 1, 1985; Laws 1987, c. 222, § 117, operative July 1, 1987; Laws 1988, c. 187, § 3, emerg. eff. June 6, 1988; Laws 1993, c. 39, § 1, eff. Sept. 1, 1993; Laws 1996, c. 209, § 2, eff. Nov. 1, 1996; Laws 1998, c. 315, § 4, emerg. eff. May 28, 1998; Laws 1998, c. 368, § 11, eff. July 1, 1998; Laws 2001, c. 355, § 1, emerg. eff. June 1, 2001; Laws 2002, c. 478, § 2, eff. July 1, 2002; Laws 2003, c. 3, § 42, emerg. eff. March 19, 2003; Laws 2004, c. 328, § 1, eff. July 1, 2004; Laws 2005, c. 199, § 4, eff. Nov. 1, 2005.

[FN1] Title 51, § 24A.1 et seq.

HISTORICAL AND STATUTORY NOTES

2008 Main Volume

The 1987 amendment, in subparagraph 1, rewrote the second sentence which prior thereto read: " 'Record' does not mean nongovernment personal effects temporarily coming into the possession of law enforcement or medical personnel"; in subparagraph 2 substituted "24A.4 of this title" for "4 of this act".

The 1988 amendment rewrote paragraph 1, which prior thereto read:

" 'Record' means all documents, including, but not limited to, any book, paper, photograph, microfilm, computer tape, disk, and record, sound recording, film recording, video record or other material regardless of physical form or characteristic, created by, received by, under the authority of, or coming into the custody, control or possession of public officials, public bodies, or their representatives in connection with the transaction of public business, the expenditure of public funds or the administering of public property. 'Record' does not mean nongovernment personal effects temporarily coming into the possession of law enforcement or medical personnel or material pertaining to financial information of private entities or research and development of products coming into the possession of the Oklahoma Development Finance Authority or the Oklahoma Center for the Advancement of Science and Technology which is determined by the respective board of directors to constitute confidential information;"

The 1993 amendment rewrote the second sentence of paragraph 1, which prior thereto read: "Record' does not mean nongovernment personal effects or, unless public disclosure is required by other laws or regulations, personal financial statements submitted to a public body for the purpose of obtaining a license, permit, or for the purpose of becoming qualified to contract with a public body;"

The 1996 amendment, in paragraph 1, in the first sentence inserted "data files created by or used

with computer software," and in the second sentence inserted "computer software".

Laws 1998, c. 315, § 4, in paragraph 2, inserted "or any entity created by a trust", deleted "State" preceding "Legislature", and substituted "legislators" for "State Legislators"; and in paragraph 5, inserted "State" preceding "Bureau of Narcotics".

Laws 1998, c. 368, § 11 inserted "the Council on Judicial Complaints" in paragraph 2.

Laws 2001, c. 355, § 1, in paragraph 1, added the third sentence and made a nonsubstantive change.

Laws 2003, c. 478, § 2, in paragraph 1, added the fourth sentence and made a nonsubstantive change.

Laws 2003, c. 3, § 42, in paragraph 1, in the third sentence, inserted "or the Board of Trustees of the Quartz Mountain Arts and Conference and Nature Park" and added "or the Quartz Mountain Arts and Conference Center and Nature Park".

Section 3 of Laws 2002, c. 293, amending this section, was repealed by Laws 2003, c. 3, § 43.

Laws 2004, c. 328, § 1, in paragraph 1, in the first sentence, substituted "Transportation" for "Turnpike" and added the third sentence.

Laws 2005, c. 199, § 4, rewrote paragraph 1, which prior thereto read:

"1. 'Record' means all documents, including, but not limited to, any book, paper, photograph, microfilm, data files created by or used with computer software, computer tape, disk, and record, sound recording, film recording, video record or other material regardless of physical form or characteristic, created by, received by, under the authority of, or coming into the custody, control or possession of public officials, public bodies, or their representatives in connection with the transaction of public business, the expenditure of public funds or the administering of public property. "Record" does not mean computer software, nongovernment personal effects or, unless public disclosure is required by other laws or regulations, vehicle movement records of the Oklahoma Turnpike Authority obtained in connection with the Authority's electronic toll collection system, personal financial information, credit reports or other financial data obtained by or submitted to a public body for the purpose of evaluating credit worthiness, obtaining a license, permit, or for the purpose of becoming qualified to contract with a public body. "Record" does not mean any personal information provided by a guest at any facility owned or operated by the Oklahoma Tourism and Recreation Department or the Board of Trustees of the Quartz Mountain Arts and Conference Center and Nature Park to obtain any service at such facility or by a purchaser of a product sold by or through the Oklahoma Tourism and Recreation Department or the Quartz Mountain Arts and Conference Center and Nature Park. "Record" does not mean a Department of Defense Form 214 (DD Form 214) filed with a county clerk, including any DD Form 214 filed before the effective date of this act;"

LIBRARY REFERENCES

2009 Electronic Update

Records ⇐30.

Westlaw Topic No. 326.

C.J.S. Records §§ 60, 62 to 63, 65, 93, 95.

RESEARCH REFERENCES

2009 Electronic Update

ALR Library

139 ALR, Federal 225, What Constitutes "Trade Secrets and Commercial or Financial Information

Obtained from Person and Privileged or Confidential," Exempt from Disclosure Under Freedom of Information Act (5 U.S.C.A. § 552(B)(4)) (FOIA).

8 ALR 6th 117, What Constitutes Commercial or Financial Information, Exclusive of Trade Secrets, Exempt from Disclosure Under State Freedom of Information Acts--Specific Applications.

5 ALR 6th 327, What Constitutes Commercial or Financial Information, Exclusive of Trade Secrets, Exempt from Disclosure Under State Freedom of Information Acts--General Rules of Construction.

27 ALR 4th 680, What Are "Records" of Agency Which Must be Made Available Under State Freedom of Information Act.

169 ALR 653, Enforceability by Mandamus of Right to Inspect Public Records.

NOTES OF DECISIONS

Business records 4
 Construction and application 1
 Communications with third parties 8
 Exemptions to public disclosure 7
 Physical form or characteristic 5
 Public body 6
 Records 2
 Sealing of records 3

1. Construction and application

In ruling on a request for disclosure under the Open Records Act, the public body and the reviewing court must consider that, pursuant to the intent of the Act, disclosure of information is to be favored over a finding of exemption. Progressive Independence, Inc. v. Oklahoma State Dept. of Health, Okla.Civ.App. Div. 3, 174 P.3d 1005 (2007). Records ¶ 65

Records of expenses incurred by legislators or employees of the Legislature in the performance of their official duties or authorized actions and which are reimbursed to them are subject to disclosure pursuant to Oklahoma Open Records Act regardless of which public body is asked for records, as long as such records are in the public body's custody, control or possession. Op.Atty.Gen. Opinion No. 08-19, (July 23, 2008), 2008 WL 2930577.

A State-created Indian housing authority, as a State agency administering or operating public property, is subject to the provisions of the Oklahoma Open Records Act. Op.Atty.Gen. No. 03-28 (July 8, 2003).

2. Records

Tape recordings of implied consent hearings on revocation or suspension of driver's license are public "records" within the meaning of the Open Records Act, even though recording the hearings is permissive; although the hearing involves one person, the outcome of whether one arrested for driving under the influence of alcohol will be permitted to continue to drive on public roads is the business of all the people of the state. Fabian & Associates, P.C. v. State ex rel. Dept. of Public Safety, Okla., 100 P.3d 703 (2004). Records ¶ 54

Records relating to defense of convicted defendant, who had been represented by conflict counsel, could only be selectively sealed, given defendant's constitutional rights, general right of public to know as recognized by Open Records Act, and acknowledgement that records of money budgeted for and paid in defense were matter of public record since first payment. Nichols v. Jackson, Okla., 55 P.3d 1044 (2002). Records ¶ 32

Because records of expenses incurred by legislators and employees of the Legislature in performance

of their official duties or authorized actions and reimbursed to them are subject to disclosure pursuant to Oklahoma Open Records Act, copies of such records given to the Office of State Finance as part of its claims processing function are also subject to disclosure once within that office's custody, control or possession. Op.Atty.Gen. Opinion No. 08-19, (July 23, 2008), 2008 WL 2930577.

The Open Records Act applies to materials in connection with the transaction of public business, the expenditure of public funds or the administering of public property that may be created by or come into the possession of any public officials of the Panel unless the materials fall into a category entitled to confidentiality or otherwise exempted from the Act, and such materials constitutes a "record" as defined in the Act. Op.Atty.Gen. No. 02-5 (Feb. 7, 2002).

Electronic mail connected with the transaction of official business, the expenditure of public funds or the administration of public property and created by or received by a state public body or a public body of a political subdivision constitutes a record and is subject to the Oklahoma Open Records Act. Op.Atty.Gen. No. 01-46 (Nov. 7, 2001).

Registries maintained by libraries that can be used to determine specific information accessed by identifiable individuals on Internet at given time are records pursuant to Open Records Act. Op.Atty.Gen. Opinion No. 05-19 (June 13, 2005), 2005 WL 1429033.

A county assessor does not have the authority pursuant to 68 O.S. 1991 and Supp.1996, §§ 2814-2846, 28 O.S. Supp.1996, § 60, or the Open Records Act, 51 O.S. 1991 and Supp.1996, §§ 24A.1--24A.24, to contract to sell public records that are regularly kept in computer-readable format to a private business for resale to the public. Op.Atty.Gen. No. 96-26 (Jan. 16, 1997).

Telephone bills received by a municipality for use of municipal landline and cellular phones by elected officials and administrative personnel are records open for public inspection pursuant to the Oklahoma Open Records Act at 51 O.S.Supp.1995, § 24A.3(1) and § 24A.5. Op.Atty.Gen. No. 95-97 (March 13, 1996).

The membership list of the Oklahoma Historical Society is a public record required to be made available for public inspection and copying under the Oklahoma Open Records Act. Op.Atty.Gen. No. 95-15 (March 2, 1995).

Taped telephone conversations made in connection with the bidding process between the State Treasurer and outside securities firms are state records pursuant to the Oklahoma Records Management Act (67 Okl.St. Ann. §§ 201 et seq.) and the Oklahoma Open Records Act (51 Okl.St. Ann. § 24A.1 et seq.). As such, the State Treasurer is not authorized to erase those records except under the process set forth for the destruction or disposition of state records and the Oklahoma Records Management Act, the Archives of Records Commission Act, and § 590 of the Oklahoma Criminal Code. Op.Atty.Gen. No. 93-2 (Feb. 22, 1993).

3. Sealing of records

Defendant was entitled to have particular paragraphs of findings of fact, conclusions of law, and orders made in denial of request of attorney for additional attorney fees and any other documents describing contents of those paragraphs, including attachments listing overhead expenses and overhead equipment, sealed, except to extent that request sought to keep from public view list of expenses associated with overhead and purchase of equipment and general references to budget expenses for travel and expert witness fees, and specifics as to travel destinations and utilization of expert witnesses should be excised before any document was released as public record. Nichols v. Jackson, Okla., 55 P.3d 1044 (2002). Records ¶ 32

4. Business records

Business records of insurer which came into possession of Insurance Commissioner after insurer was placed in receivership did not come within scope of term "record," and thus were not "government records" subject to public disclosure under Open Records Act. Farrimond v. State ex rel. Fisher, Okla.,

8 P.3d 872 (2000). Records ¶ 54

5. Physical form or characteristic

Electronic mail may be retained in electronic form or on paper; but, if it is on paper, then all significant material contained in the electronic mail needs to be retained in other records in the agency. Op.Atty.Gen. No. 01-46 (Nov. 7, 2001).

6. Public body

Health Insurance High Risk Pool is private entity whose records are not subject to disclosure under Oklahoma Open Records Act, given that Health Insurance High Risk Pool is not public body, nor is it administered by public officials for purposes of Oklahoma Open Records Act. Op.Atty.Gen. Opinion No. 05-39 (November 8, 2005), 2005 WL 3087218.

The Oklahoma Open Records Act does not apply to the Governor's Security and Preparedness Executive Panel because the Panel is not a "public body" and because the documents possibly created by the Panel are not "public records". Op.Atty.Gen. No. 02-5 (Feb. 7, 2002).

7. Exemptions to public disclosure

City did not waive credit worthiness exemption in Open Records Act for financial documents submitted by potential lessee, where city employee stated that she did not disclose financial documents or data contained in documents to anyone at anytime other than her attorneys in municipal counselor's office for sole purpose of defending city in action seeking disclosure, documents submitted by organization seeking disclosure of financial records contained no specific financial information, and information was not released to public. Citizens Against Taxpayer Abuse, Inc. v. City of Oklahoma City, Okla., 73 P.3d 871 (2003). Records ¶ 59

Oklahoma Open Records Act does not require disclosure of communications among members of the Legislature, whether in written or electronic form. Op.Atty.Gen. Opinion No. 08-19, (July 23, 2008), 2008 WL 2930577.

8. Communications with third parties

Because "the Legislature, or legislators" do not come within the Open Record Act's definition of "public body" - except for records of receipt of expenditures of public funds under 51 O.S.2001, § 24A.4 - the Oklahoma Open Records Act does not require disclosure of written or electronic communications with third parties in the possession of "the Legislature or legislators"; however, a copy of a written or electronic communication "created by" a third-party public body or official and sent to a legislator would be a record of the creating public body or official subject to the Oklahoma Open Records Act in its custody, control or possession. Op.Atty.Gen. Opinion No. 08-19, (July 23, 2008), 2008 WL 2930577.

A written or electronic communication from a legislator sent to a third-party public body or official would become a "record" upon being "received by" the public body or official and thereby become subject to the Act in the custody, control or possession of the third-party public body or official. Op.Atty.Gen. Opinion No. 08-19, (July 23, 2008), 2008 WL 2930577.

Written or electronic communication from employee of Legislature would become a "record" upon being "received by" a third-party public body or official and thereby become subject to the Oklahoma Open Records Act in the custody, control or possession of the third-party public body or official. 51 O.S.2001, § 24A.3(1), (2). Similarly, a copy of a written or electronic communication "created by" a third-party public body and sent to an employee within his or her scope and duties of the Legislature would be a record of the public body subject to the Act in the custody, control or possession of the creating agency. Op.Atty.Gen. Opinion No. 08-19, (July 23, 2008), 2008 WL 2930577.

51 Okl. St. Ann. § 24A.3, OK ST T. 51 § 24A.3

Current with chapters of the First Regular Session of the 52nd Legislature (2009) effective August 26, 2009.

(c) 2009 Thomson Reuters

END OF DOCUMENT

(c) 2009 Thomson Reuters. No Claim to Orig. US Gov. Works.

51 Okl.St. Ann. § 24A.4

Oklahoma Statutes Annotated Currentness

Title 51. Officers ([Refs & Annos](#))

[Chapter 1](#). General Provisions

[Oklahoma Open Records Act](#) ([Refs & Annos](#))

⇒§ 24A.4. Record of receipts and expenditures

In addition to other records which are kept or maintained, every public body and public official has a specific duty to keep and maintain complete records of the receipt and expenditure of any public funds reflecting all financial and business transactions relating thereto, except that such records may be disposed of as provided by law.

CREDIT(S)

Laws 1985, c. 355, § 4, eff. Nov. 1, 1985.

LIBRARY REFERENCES

2009 Electronic Update

[Counties](#) ⇐94.

[Municipal Corporations](#) ⇐172.

[States](#) ⇐75, 76, 122, 123.

[Westlaw Topic Nos.](#) 104, 268, 360.

[C.J.S. Counties](#) §§ 134 to 136.

[C.J.S. Municipal Corporations](#) §§ 406 to 408.

[C.J.S. States](#) §§ 247 to 249, 373, 377 to 380, 388 to 389.

RESEARCH REFERENCES

2009 Electronic Update

Treatises and Practice Aids

[3 Oklahoma Probate Law and Practice DIV III PT B 710:1-3-70](#), Records in General.

NOTES OF DECISIONS

[Communications with third parties](#) [3](#)

[Construction and application](#) [1](#)

[Public body](#) [2](#)

[1. Construction and application](#)

Records of expenses incurred by legislators or employees of the Legislature in the performance of their official duties or authorized actions and which are reimbursed to them are subject to disclosure pursuant to Oklahoma Open Records Act regardless of which public body is asked for records, as long as such records are in the public body's custody, control or possession. Op. Atty. Gen. Opinion No. 08-19, (July 23, 2008), [2008 WL 2930577](#).

[2. Public body](#)

Because "the Legislature, or legislators" do not come within the Open Record Act's definition of "public body" - except for records of receipt of expenditures of public funds under 51 O.S.2001, § 24A.4 - the

Oklahoma Open Records Act does not require disclosure of written or electronic communications with third parties in the possession of "the Legislature or legislators"; however, a copy of a written or electronic communication "created by" a third-party public body or official and sent to a legislator would be a record of the creating public body or official subject to the Oklahoma Open Records Act in its custody, control or possession. Op.Atty.Gen. Opinion No. 08-19, (July 23, 2008), 2008 WL 2930577.

3. Communications with third parties

A written or electronic communication from a legislator sent to a third-party public body or official would become a "record" upon being "received by" the public body or official and thereby become subject to the Act in the custody, control or possession of the third-party public body or official. Op.Atty.Gen. Opinion No. 08-19, (July 23, 2008), 2008 WL 2930577.

Written or electronic communication from employee of Legislature would become a "record" upon being "received by" a third-party public body or official and thereby become subject to the Oklahoma Open Records Act in the custody, control or possession of the third-party public body or official. 51 O.S.2001, § 24A.3(1), (2). Similarly, a copy of a written or electronic communication "created by" a third-party public body and sent to an employee within his or her scope and duties of the Legislature would be a record of the public body subject to the Act in the custody, control or possession of the creating agency. Op.Atty.Gen. Opinion No. 08-19, (July 23, 2008), 2008 WL 2930577.

51 Okl. St. Ann. § 24A.4, OK ST T. 51 § 24A.4

Current with chapters of the First Regular Session of the 52nd Legislature (2009) effective August 26, 2009.

(c) 2009 Thomson Reuters

END OF DOCUMENT

(c) 2009 Thomson Reuters. No Claim to Orig. US Gov. Works.

51 Okl.St. Ann. § 24A.5

Oklahoma Statutes Annotated Currentness

Title 51. Officers (Refs & Annos)

↳ Chapter 1. General Provisions

↳ Oklahoma Open Records Act (Refs & Annos)

⇒ **§ 24A.5. Inspection, copying and/or mechanical reproduction of records-- Exemptions**

All records of public bodies and public officials shall be open to any person for inspection, copying, or mechanical reproduction during regular business hours; provided:

1. The Oklahoma Open Records Act, Sections 24A.1 through 24A.28 of this title, does not apply to records specifically required by law to be kept confidential including:

- a. records protected by a state evidentiary privilege such as the attorney-client privilege, the work product immunity from discovery and the identity of informer privileges,
- b. records of what transpired during meetings of a public body lawfully closed to the public such as executive sessions authorized under the Oklahoma Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes,
- c. personal information within driver records as defined by the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725, or
- d. information in the files of the Board of Medicolegal Investigations obtained pursuant to Sections 940 and 941 of Title 63 of the Oklahoma Statutes that may be hearsay, preliminary unsubstantiated investigation-related findings, or confidential medical information.

2. Any reasonably segregable portion of a record containing exempt material shall be provided after deletion of the exempt portions; provided however, the Department of Public Safety shall not be required to assemble for the requesting person specific information, in any format, from driving records relating to any person whose name and date of birth or whose driver license number is not furnished by the requesting person.

The Oklahoma State Bureau of Investigation shall not be required to assemble for the requesting person any criminal history records relating to persons whose names, dates of birth, and other identifying information required by the Oklahoma State Bureau of Investigation pursuant to administrative rule are not furnished by the requesting person.

3. Any request for a record which contains individual records of persons, and the cost of copying, reproducing or certifying each individual record is otherwise prescribed by state law, the cost may be assessed for each individual record, or portion thereof requested as prescribed by state law. Otherwise, a public body may charge a fee only for recovery of the reasonable, direct costs of record copying, or mechanical reproduction. Notwithstanding any state or local provision to the contrary, in no instance shall the record copying fee exceed twenty-five cents (\$0.25) per page for records having the dimensions of eight and one-half (8 1/2) by fourteen (14) inches or smaller, or a maximum of One Dollar (\$1.00) per copied page for a certified copy. However, if the request:

- a. is solely for commercial purpose, or
- b. would clearly cause excessive disruption of the essential functions of the public body,

then the public body may charge a reasonable fee to recover the direct cost of record search and copying; however, publication in a newspaper or broadcast by news media for news purposes shall

not constitute a resale or use of a record for trade or commercial purpose and charges for providing copies of electronic data to the news media for a news purpose shall not exceed the direct cost of making the copy. The fee charged by the Department of Public Safety for a copy in a computerized format of a record of the Department shall not exceed the direct cost of making the copy unless the fee for the record is otherwise set by law.

Any public body establishing fees under this act shall post a written schedule of the fees at its principal office and with the county clerk.

In no case shall a search fee be charged when the release of records is in the public interest, including, but not limited to, release to the news media, scholars, authors and taxpayers seeking to determine whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants.

The fees shall not be used for the purpose of discouraging requests for information or as obstacles to disclosure of requested information.

4. The land description tract index of all recorded instruments concerning real property required to be kept by the county clerk of any county shall be available for inspection or copying in accordance with the provisions of the Oklahoma Open Records Act; provided, however, the index shall not be copied or mechanically reproduced for the purpose of sale of the information.

5. A public body must provide prompt, reasonable access to its records but may establish reasonable procedures which protect the integrity and organization of its records and to prevent excessive disruptions of its essential functions.

6. A public body shall designate certain persons who are authorized to release records of the public body for inspection, copying, or mechanical reproduction. At least one person shall be available at all times to release records during the regular business hours of the public body.

CREDIT(S)

Laws 1985, c. 355, § 5, eff. Nov. 1, 1985; Laws 1986, c. 213, § 1, emerg. eff. June 6, 1986; Laws 1986, c. 279, § 29, operative July 1, 1986; Laws 1988, c. 187, § 4, emerg. eff. June 6, 1988; Laws 1992, c. 231, § 2, emerg. eff. May 19, 1992; Laws 1993, c. 97, § 7, eff. Sept. 1, 1993; Laws 1996, c. 209, § 3, eff. Nov. 1, 1996; Laws 2000, c. 342, § 8, eff. July 1, 2000; Laws 2001, c. 137, § 1, emerg. eff. April 24, 2001; Laws 2005, c. 199, § 5, eff. Nov. 1, 2005; Laws 2006, c. 16, § 34, emerg. eff. March 29, 2006.

HISTORICAL AND STATUTORY NOTES

2008 Main Volume

Laws 1986, c. 213, § 1, in subparagraph 1, substituted "The Oklahoma Open Records Act" for "This act" and in item c, inserted "Section 301 et seq. of Title 25 of the Oklahoma Statutes"; inserted subparagraph 4; and redesignated former subparagraphs 4 and 5 as subparagraphs 5 and 6, respectively.

Laws 1986, c. 279, § 29, in subparagraph 2 inserted the proviso; in subparagraph 3 inserted the first sentence, in the second sentence (the former first sentence) substituted "Otherwise a" for "A"; in the second paragraph of subparagraph 3 substituted "principal" for "principle".

The 1988 amendment, in paragraph 1, deleted subparagraph a, which read:

"records not discoverable under state law such as material prepared in anticipation of litigation or trial; or"

, redesignated former subparagraphs b and c as subparagraphs a and b, and in subparagraph a

inserted "privilege, the work product immunity from discovery"; and in paragraph 3, in the introductory paragraph, inserted the third sentence.

The 1992 amendment, in the introductory paragraph of paragraph 3, in the third sentence, substituted "Notwithstanding any state or local provision to the contrary, in" for "In".

The 1993 amendment inserted "and dates of birth or whose driver license numbers" in paragraph 2.

The 1996 amendment inserted the citation in the introductory clause of paragraph 1; in paragraph 2, added the second sentence; and in paragraph 3, in the introductory paragraph, in the second sentence substituted "or" for "and/or", in subparagraph a inserted "is" and substituted a comma for a semicolon, in subparagraph b substituted "would clearly" for "clearly would" and a comma for a semicolon, and in the last paragraph substituted "The" for "Said".

Laws 2000, c. 342, § 8, in paragraph 1, added subparagraph c, and made a nonsubstantive change.

Laws 2001, c. 137, § 1, in paragraph 1, added subparagraph d, and made a non substantive change.

Laws 2005, c. 199. § 5, in paragraph 1, in the introductory paragraph, substituted "Sections 24A.1 through 24A.28" for "Section 24A.1 et seq."; in paragraph 2, rewrote the first subparagraph, which prior thereto read:

"2. Any reasonably segregable portion of a record containing exempt material shall be provided after deletion of the exempt portions, provided however, the Oklahoma Department of Public Safety shall not be required to assemble for the requesting person specific information requested from the Oklahoma Department of Public Safety's Driver License file relating to persons whose names and dates of birth or whose driver license numbers are not furnished by the requesting person."

; rewrote paragraph 3, which prior thereto read:

"3. Any request for a record which contains individual records of persons and the cost of copying, reproducing or certifying such individual record which is otherwise prescribed by state law, the cost may be assessed for each individual record, or portion thereof requested as prescribed by state law. Otherwise, a public body may charge a fee only for recovery of the reasonable, direct costs of document copying, or mechanical reproduction. Notwithstanding any state or local provision to the contrary, in no instance shall said document copying fee exceed twenty-five cents (\$0.25) per page for documents having the dimensions of eight and one-half (8 1/2) by fourteen (14) inches or smaller, or a maximum of One Dollar (\$1.00) per copied page for a certified copy. However, if the request:

"a. is solely for commercial purpose, or

"b. would clearly cause excessive disruption of the public body's essential functions,

"then the public body may charge a reasonable fee to recover the direct cost of document search; however, publication in a newspaper or broadcast by news media for news purposes shall not constitute a resale or use of data for trade or commercial purpose and charges for providing copies of electronic data to the news media for a news purpose shall not exceed the direct cost of making the copy.

"Any public body establishing fees under this act shall post a written schedule of said fees at its principal office and with the county clerk.

"In no case shall a search fee be charged when the release of said documents is in the public interest, including, but not limited to, release to the news media, scholars, authors and taxpayers seeking to determine whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants.

"The fees shall not be used for the purpose of discouraging requests for information or as obstacles to disclosure of requested information."

; and made other nonsubstantive changes.

Laws 2006, c. 16, § 34, in paragraph 2, in the second subparagraph, inserted ", and other identifying information required by the Oklahoma State Bureau of Investigation pursuant to administrative rule " and made a nonsubstantive change.

Section 1 of Laws 2005, c. 223, amending this section, was repealed by Laws 2006, c. 16, § 35.

CROSS REFERENCES

Local development increment district reports, exemption from copying fees provided under this section, see Title 51, § 24A.21.

LAW REVIEW AND JOURNAL COMMENTARIES

Annual Survey of Oklahoma Law: Legal profession--Disciplinary proceedings against judges. 6 Okla.City U.L.Rev. 232 (1981).

LIBRARY REFERENCES

2009 Electronic Update

Records ¶¶ 50 to 68.
Westlaw Topic No. 326.
C.J.S. Records §§ 93 to 131.

RESEARCH REFERENCES

2009 Electronic Update

ALR Library

29 ALR 6th 507, Validity, Construction, and Application of State Statutes Implementing the Uniform Unclaimed Property Act or Its Predecessor--Modern Status.

8 ALR 6th 117, What Constitutes Commercial or Financial Information, Exclusive of Trade Secrets, Exempt from Disclosure Under State Freedom of Information Acts--Specific Applications.

5 ALR 6th 327, What Constitutes Commercial or Financial Information, Exclusive of Trade Secrets, Exempt from Disclosure Under State Freedom of Information Acts--General Rules of Construction.

Treatises and Practice Aids

1 Oklahoma Practice Ch. 5 § 2501, Privileges Recognized Only as Provided.

1 Oklahoma Practice Ch. 5 § 2509, Secrets of State and Other Official Information; Governmental Privileges.

1 Oklahoma Practice Ch. 7 § 2501-2513, Privileges and Rules of Confidentiality.

UNITED STATES SUPREME COURT

District court tax decisions as agency records of Department of Justice, alternative sources, see U.S. Dept. of Justice v. Tax Analysts, U.S. Dist. Col. 1989, 109 S.Ct. 2841, 492 U.S. 136, 106 L.Ed.2d 112.

Freedom of information,

Addresses of agency employees, see U.S. Dept. of Defense v. Federal Labor Relations Authority, 1994, 114 S.Ct. 1006, 510 U.S. 487, 127 L.Ed.2d 325.

Law enforcement exemption, confidential sources, presumptions, see U.S. Dept. of Justice v. Landano, U.S.N.J.1993, 113 S.Ct. 2014, 508 U.S. 165, 124 L.Ed.2d 84, on remand 873 F.Supp. 884.

Law enforcement records exemption, death scene photographs, privacy interest of family, public interest, see National Archives and Records v. Favish, 2004, 124 S.Ct. 1570.

Public interest test, Bureau of Land Management mailing list, see Bibles v. Oregon Natural Desert Ass'n, 1997, 117 S.Ct. 795, 519 U.S. 355, 167 A.L.R. Fed. 821, 136 L.Ed.2d 825, on remand 125 F.3d 1282.

Personnel and medical files exemption, similar files, interviews of Haitian nationals returned to Haiti, invasion of privacy, see U.S. Dept. of State v. Ray, U.S.Fla.1991, 112 S.Ct. 541, 502 U.S. 164, 116 L.Ed.2d 526.

NOTES OF DECISIONS

Arrest records [14](#)
Commercial interests [16](#)
Computerized records [11](#)
Construction and application [1](#)
Drug and alcohol testing [17](#)
Election materials [12](#)
Electronic mail [29](#)
Excessive disruption of essential functions [10](#)
Exemptions, generally [9](#)
Fees [13](#)
Foster care [18](#)
Governor's office [19](#)
Indian housing authority records [30](#)
Informants [20](#)
Judiciary [21](#)
Location of records [4](#)
Medicaid [22](#)
Mine inspector [23](#)
Motor vehicles [24](#)
Municipal bills or charges [25](#)
Notice, request for disclosure [7](#)
Pleadings [15](#)
Preemption [3](#)
Presumptions and burden of proof [31](#)
Private vendor storage [5](#)
Property records [26](#)
Purpose [2](#)
Request for disclosure [6, 7](#)
 Request for disclosure - In general [6](#)
 Request for disclosure - Notice [7](#)
Review [32](#)
Schoolteachers [27](#)
Tax returns [28](#)
Time [8](#)

1. Construction and application

Private corporation was not required to obtain criminal records through individual requests to State Bureau of Investigation (OSBI) under specific statute, which had no provision for requests from commercial entities, but could employ request to Department of Corrections for several years' data under Open Records Act. Transportation Information Services, Inc. v. State ex rel. Oklahoma Dept. of Corrections, Okla., 970 P.2d 166 (1998), corrected. Records ↔ 62

Records created by a public body after receipt of a complaint must be open to public access and review under Open Records Act, unless there is express statutory exception. State ex rel. Oklahoma State Bd. of Medical Licensure and Supervision v. Migliaccio, Okla.App. Div. 3, 917 P.2d 483 (1996). Records ↔ 54

There is no provision in Open Records Act that allows court to balance individual's interest in having records remain private and public's interest in having access to records, and Legislature has determined that public's interest is greater except where specific statutory exemption is given. State ex rel. Oklahoma State Bd. of Medical Licensure and Supervision v. Migliaccio, Okla.App. Div. 3, 917 P.2d 483 (1996). Records ↔ 64

Provisions of the Open Records Act place the authority for making the initial determination as to what matters are exempt from disclosure upon the public body having possession of the records. Tulsa Tribune Co. v. Oklahoma Horse Racing Com'n, Okla., 735 P.2d 548 (1986). Records ↔ 62

Public body may establish reasonable procedures to protect integrity and organization of its records and to prevent excessive disruptions of its essential functions. Op.Atty.Gen. Opinion No. 06-35 (November 09, 2006), 2006 WL 3386751.

Use by requesting person of his or her own copying equipment is not prohibited by Act and must be permitted by public body as long as such person's copying process does not unreasonably disrupt essential functions of public body or result in defacing or loss of such records. Op.Atty.Gen. Opinion No. 06-35 (November 09, 2006), 2006 WL 3386751.

There is no requirement that the Ethics Commission or other public body supply an original document to the person requesting such record for inspection, copying and mechanical reproduction, as long as the copy furnished is a true and correct copy of the original. Op.Atty.Gen. Opinion No. 06-35 (November 09, 2006), 2006 WL 3386751.

Health Insurance High Risk Pool is private entity whose records are not subject to disclosure under Oklahoma Open Records Act, given that Health Insurance High Risk Pool is not public body, nor is it administered by public officials for purposes of Oklahoma Open Records Act. Op.Atty.Gen. Opinion No. 05-39 (November 8, 2005), 2005 WL 3087218.

2. Purpose

Purpose of the § 24 (Repealed; see, now, § 24A.1 et seq. of this title) is to allow public inspection for proper purposes during normal business hours of those records which the law requires public officials to keep and which pertain to their offices. Tulsa Tribune Co. v. Fulton, Okla., 696 P.2d 497 (1984). Records ↔ 50

3. Preemption

Federal Driver's Privacy Protection Act (DPPA), prohibiting states from disclosing personal information about automobile drivers except in enumerated situations, which conflicted with state freedom of information statutes, did not violate Tenth Amendment by invading powers reserved to states; DPPA neither commandeered state legislative process by requiring states to enact legislation regulating disclosure of personal information regarding drivers nor conscripted state officials to enforce federal law, activities prohibited by Tenth Amendment, but rather involved exercise of Commerce Clause power to legislate regarding driver information, with statute having preemptive effect on contrary

state legislation. State of Okl. ex rel. Oklahoma Dept. of Public Safety v. U.S., C.A.10 (Okla.)1998, 161 F.3d 1266, certiorari denied 120 S.Ct. 930, 528 U.S. 1114, 145 L.Ed.2d 810. Automobiles ¶ 136.5; Records ¶ 31; States ¶ 4.16(2)

4. Location of records

Public body that contracts with private vendor to provide electronic access to and reproduction of public body's records at another location or through world wide web is still required to provide access to records for inspection, copying, or mechanical reproduction at public body's office. Op.Atty.Gen. Opinion No. 05-3 (January 31, 2005), 2005 WL 292225.

If public body has more than one office location, records must be maintained and made available to public at office where records are located in ordinary course of business. Op.Atty.Gen. Opinion No. 05-3 (January 31, 2005), 2005 WL 292225.

5. Private vendor storage

Open Records Act does not prohibit public body from contracting with private vendor for record storage or for converting records to an approved electronic format; public body may use vendor to store records off site, but when person requests records, records must be retrieved from storage site and provided to requester at public body's office. Op.Atty.Gen. Opinion No. 05-3 (January 31, 2005), 2005 WL 292225.

6. Request for disclosure--In general

Requests for information from Department of Corrections (DOC) under Open Records Act did not have to be submitted on an inmate-by-inmate basis. Transportation Information Services, Inc. v. State ex rel. Oklahoma Dept. of Corrections, Okla., 970 P.2d 166 (1998), corrected. Records ¶ 62

Proper action for petitioner to pursue to obtain release of financial statements filed with the Horse Racing Commission was an application before the Commission seeking release of the requested information under the Open Records Act once impediment of district court's void protective order was removed and the Commission could act on the application. Tulsa Tribune Co. v. Oklahoma Horse Racing Com'n, Okla., 735 P.2d 548 (1986). Records ¶ 62

7. ---- Notice, request for disclosure

An individual whose interests are affected by a request for disclosure under the Open Records Act must be given notice of the determination made by the public body regarding the information requested. Tulsa Tribune Co. v. Oklahoma Horse Racing Com'n, Okla., 735 P.2d 548 (1986). Records ¶ 63

In order that an individual whose interests are affected by a request for disclosure under the Open Records Act might effectively act to protect those interests it is necessary that such an individual be provided written notice that a request has been made concerning information furnished by the individual and this notice should inform the individual of an opportunity to present written objection to release of the information, to be filed with the public body within a reasonable time following notification. Tulsa Tribune Co. v. Oklahoma Horse Racing Com'n, Okla., 735 P.2d 548 (1986). Records ¶ 62

8. Time

Elected county officers as defined in title 19, § 161, in performing recordkeeping duties, are required by the provisions of statute to make their records available to the public on weekday mornings and afternoons, excluding holidays, for approximately eight hours. Op.Atty.Gen. No. 83-219 (March 2, 1984).

9. Exemptions, generally

In determination of whether affected agency's records are exempt from Open Records Act, although both agency and reviewing court must consider Act's intention to favor disclosure of information over its withholding, if release of information in public body's custody would invade individual's privacy or damage affected party's commercial interests, statutory disclosure exemption for records not discoverable under state law such as material prepared in anticipation of litigation or trial would apply. Merrill v. Oklahoma Tax Com'n, Okla., 831 P.2d 634 (1992). Records ↩ 57; Records ↩ 58

Under the Open Records Act the legislature intended to provide exemptions from disclosure where the release of information possessed by a public body may be damaging to an individual. Tulsa Tribune Co. v. Oklahoma Horse Racing Com'n, Okla., 735 P.2d 548 (1986). Records ↩ 58

Exemption to Open Records Act found in Ad Valorem Tax Code is limited only to "sworn lists of property" filed by taxpayer with county assessor and does not cover omitted property assessment sheets and notices sent by county assessor pursuant to unlisted personal property statute or records created or received in informal hearing process. Op.Atty.Gen. Opinion No. 05-50 (Dec. 21, 2005), 2005 WL 3734059.

A municipality may withhold portions of a telephone bill or delete information on the bill only if a privilege of confidentiality exists which authorizes confidentiality of the information with the burden to establish a privilege of confidentiality upon the person or entity that seeks to establish it. Op.Atty.Gen. No. 95-97 (March 13, 1996).

10. Excessive disruption of essential functions

Department of Correction's (DOC's) reasons for denying request of private corporation for seven years of data did not outweigh private corporation's interests in obtaining information, for use in its business of providing employment and criminal history information about potential employees; request did not involve excessive disruption of DOC's essential functions, and information could be segregated as requested. Transportation Information Services, Inc. v. State ex rel. Oklahoma Dept. of Corrections, Okla., 970 P.2d 166 (1998), corrected. Records ↩ 62

Corporation, which was in business of providing employment and criminal background information on potential employees, was entitled to seven years' of public offender records on magnetic tape from Department of Corrections (DOC) under Open Records Act where it was prepared at all times to pay reasonable costs incurred by DOC in assembling information, request did not involve excessive disruption of DOC's essential functions, and information could be segregated as requested; same information would have been available to corporation if requested from local law enforcement agencies, as information sought fell within categories of crime-related documents available from such agencies. Transportation Information Services, Inc. v. State ex rel. Oklahoma Dept. of Corrections, Okla., 970 P.2d 166 (1998), corrected. Records ↩ 62

11. Computerized records

Fact that records are available at some other physical location or over world wide web does not relieve public body of obligation to make records available at office, either in original or approved duplicated format. Op.Atty.Gen. Opinion No. 05-3 (January 31, 2005), 2005 WL 292225.

The electronic access system needs to be secure enough to preserve the records and safeguard them from destruction, mutilation and alteration if the agency wishes to allow a requestor access to specific data in an electric file; and, if the agency's system cannot provide the security, the agency needs to provide the requested information in a format in which the confidential information can be redacted. Op.Atty.Gen. No. 01-46 (Nov. 7, 2001).

State agency which has computerized its files of public records may, under statute, allow commercial entity access to specific data in that file in on-line manner, provided that system for permitting on-line access assures that records will be fully preserved and safeguarded from destruction, mutilation, and alteration. Op.Atty.Gen. No. 85-36 (April 30, 1986).

12. Election materials

Oklahoma Election Code [26 Okl.Stat. Ann. § 1-101 et seq.] supplies exclusive procedure for examination of election materials, and Open Records Act [51 Okl.Stat. Ann. § 24A.1 et seq.] does not provide alternative form of discovery procedure whereby any citizen may obtain access to election materials; it is only business records of Election Board, exclusive of ballots and similar election materials, which public may be entitled to obtain under Open Records Act. Milton v. Hayes, Okla., 770 P.2d 14 (1989). Records ↩ 54

13. Fees

Providing crime records to private corporation, which was in business of providing employment and criminal background information on potential employees, under Open Records Act was not "gift" prohibited by state law; no legal foundation for assertion that the state was losing value of difference between what the corporation could charge and what it would cost DOC to provide information, and DOC was permitted to charge what it would cost to provide service requested. Transportation Information Services, Inc. v. State ex rel. Oklahoma Dept. of Corrections, Okla., 970 P.2d 166 (1998), corrected. Records ↩ 55

Trial court's determination that taxpayer's records request from state agency was subject to search fee and copy fee under the Open Records Act was not clearly contrary to weight of evidence; public interest was as equally well served by public agencies performing their essential services without burdensome, disruptive records requests and providing release of information to taxpayers. McVarish v. New Horizons Community Counseling and Mental Health Services, Inc., Okla.App. Div. 2, 909 P.2d 155 (1995). Records ↩ 68

Inmate was not entitled to free copies of docket sheet and case index from criminal case requested under Open Records Act, despite determination in criminal proceedings that inmate was indigent; Act provides for collection of copy costs and does not authorize public body to supply free copies of documents to persons stating they are indigent and, in any event, inmate had adequate funds to pay costs for copies. Williams v. Austin, Okla.App. Div. 1, 890 P.2d 416 (1994). Records ↩ 68

Evidence supported finding that Tax Commission's fees of \$350 for microfiche copy of income tax filers index containing names and addresses of approximately 1.3 million persons who file tax returns and \$258 for computer tape copy of unclaimed property division's desk list containing information required to be published by Uniform Disposition of Unclaimed Property Act were reasonable; because of heavy workload, it would be disruptive of Commission's day-to-day critical functions to pull someone off their job to fill request for computer tape and many persons made copies of Commission records without incurring cost by using their own copying materials in Commission office. Merrill v. Oklahoma Tax Com'n, Okla., 831 P.2d 634 (1992). Records ↩ 68

Evidence supported finding that attorney's request to Tax Commission for microfilm copy of income tax filers index containing names and addresses of approximately 1.3 million persons who file tax returns and unclaimed property division's desk list containing information required to be published by Uniform Disposition of Unclaimed Property Act was "solely for commercial purposes" as required by statute for Tax Commission to charge fees including labor and administrative costs, although attorney contended that he intended to conduct independent audit of Commission to detect any wrongdoing on agency's part; when attorney was first asked his reason for requesting documents, he wrote that he wanted to use them in his law practice. Merrill v. Oklahoma Tax Com'n, Okla., 831 P.2d 634 (1992). Records ↩ 65

Furnishing electronic copies of instruments kept by clerk in computer-readable format is subject to fee limitations of Oklahoma Open Records Act, which allows search fee in some cases. Op. Atty. Gen. Opinion No. 05-21 (June 29, 2005), 2005 WL 1605978.

A county assessor may only charge the fees for records that are regularly kept in computer-readable format for delivery to a private business or resale to the public that are set forth in 28 O.S.

Supp.1996, § 60 and 51 O.S. Supp.1996, § 24A.5(3). Op.Atty.Gen. No. 96-26 (Jan. 16, 1997).

Insofar as copying or reproduction fees are concerned, a county assessor, under 51 O.S. Supp.1996, § 24A.5(3), may charge a "fee only for recovery of the reasonable, direct costs of [the] mechanical reproduction" of the requested computer-readable records. Op.Atty.Gen. No. 96-26 (Jan. 16, 1997).

A county assessor, pursuant to 51 O.S. Supp.1996, § 24A.5(3), may charge a search fee in connection with responding to a request for such records only if the request "is solely for commercial purpose" or "would clearly cause excessive disruption of the public body's essential functions. Op.Atty.Gen. No. 96-26 (Jan. 16, 1997).

Under statute, a public body subject to Open Records Act's requirements may not charge a special "search fee" to any member of the news media who is seeking information in the public interest, such as attempts by such persons to determine whether those entrusted with the affairs of government are honestly, faithfully, and competently performing their duties as public servants. Op.Atty.Gen. No. 88-35 (June 23, 1988).

14. Arrest records

Party had no right to notice and hearing before city released public records of his arrest under Open Records Act. City of Lawton v. Moore, Okla., 868 P.2d 690 (1993). Records ¶ 62

15. Pleadings

Pleadings in a criminal case, particularly the information, are "records" within the meaning of the Oklahoma Open Records Act and must be made available for public inspection once filed with the court clerk unless it has been sealed by a court or is protected by a privilege of confidentiality. Op.Atty.Gen. No. 99-58 (August 19, 1999).

16. Commercial interests

A public body in determining what materials may be exempted from disclosure or may be subject to deletion from other material which are subject to disclosure under the Open Records Act may consider the guidelines set out in title 12, § 3203 providing for the protection of information which would be damaging to the commercial interests of a party involved, as the Legislature clearly intended such protection to be applicable to the disclosure of information under the Open Records Act. Tulsa Tribune Co. v. Oklahoma Horse Racing Com'n, Okla., 735 P.2d 548 (1986). Records ¶ 59

17. Drug and alcohol testing

When a State employee is discharged because of a positive random drug testing result, the State must disclose the termination to potential employers doing employment checks on the employee, but may not disclose that the termination was for failure of a drug or alcohol test or for refusal to take such a test. Op.Atty.Gen. No. 97-79 (Oct. 13, 1997).

18. Foster care

Under former § 24 (Repealed; see, now, this section) the Department of Human Services must provide access to any list of licensed foster parents in Oklahoma County compiled and maintained by the Department of Human Services in the course of official business, as such a list would be a "public record" under Oklahoma law. Op.Atty.Gen. No. 82-69 (April 12, 1982).

19. Governor's office

Prior to amendment of mansion account law (title 74, § 7), Governor was not required to keep open for public inspection his records pertaining to his expenditure of legislatively appropriated funds for mansion account, since expenditure of such appropriation did not constitute records pertaining to office of Governor which were required by law to be kept within meaning of former § 24 (Repealed;

see, now, this section). Oklahoma City News Broadcasters Ass'n, Inc. v. Nigh, Okla., 683 P.2d 72 (1984). Records ↩ 54

20. Informants

There is no specific statutory authority to refuse to divulge information obtained from "confidential informers" relating to background investigation performed by Oklahoma State Bureau of Investigation, nor may OSBI refuse to divulge name of informer where no investigation of a violation of law is being conducted, unless individual who provided information has objected to its release, and agency has made a good faith finding that release of the information will be damaging to the objecting individual. Op.Atty.Gen. Nos. 86-39, 86-69 (June 20, 1986).

21. Judiciary

Although initial complaint filed with Council on Judicial Complaints is not included within statutory secrecy provisions (title 20, § 1658) as "part of the proceedings," it does not follow that a complaint is a public document as Council rules mandate confidentiality; complaint is not a "public document" as it is a record required by law to be kept secret and, hence, neither Council nor its ex officio secretary were required to answer interrogatories propounded by defendant in libel action inquiring whether complaint was still pending and any disposition thereof. Council on Judicial Complaints v. Maley, Okla., 607 P.2d 1180 (1980). Records ↩ 32

Copies of the findings and conclusions of the Council on Judicial Complaints which charge a member of the Judiciary with one of the grounds for removal specified in Const. Art. 7A, § 1 or title 20, § 1404 or otherwise charge such member of the Judiciary with wilful misconduct or malfeasance would not be public records under former § 24 (Repealed; see, now, this section) but would rather be subject to the secrecy requirements set forth in title 20, § 1658 and title 22, § 346. In those instances where the findings and conclusions of the Council on Judicial Complaints do not charge a member of the Judiciary with one of the grounds of removal otherwise charge such member with willful misconduct or malfeasance, copies of such findings and conclusions can, in the discretion of the Council on Judicial Complaints, be made public. Op.Atty.Gen. No. 78-240 (Dec. 28, 1978).

Documents comprising a background investigation performed by the Oklahoma State Bureau of Investigation for the Judicial Nominating Commission are confidential records and cannot be disclosed to the subject of the investigation or to the public. Op.Atty.Gen. No. 97-16 (Aug. 29, 1997).

22. Medicaid

Cost reports and audits which were filed with, and kept by, the Department of Human Services in accordance with its mandate under federal law to act as the reviewing and disbursing agent for the federal government in connection with the medicaid program in which various nursing homes participated were subject to public inspection under former § 24 (Repealed; see, now, this section) and, as such, were subject to being disclosed on request of newspaper absent evidence that they fell within some delineated exception. Tulsa Tribune Co. v. Fulton, Okla., 696 P.2d 497 (1984). Records ↩ 52; Records ↩ 54

Confidentiality was not a quid pro quo offered to nursing homes for filing cost reports and audits with the Department of Human Services in connection with the federal medicaid program and, hence, was not a basis for asserting that the cost reports and audits were exempt from disclosure under former § 24 (Repealed; see, now, this section). Tulsa Tribune Co. v. Fulton, Okla., 696 P.2d 497 (1984). Records ↩ 59

23. Mine inspector

Under the provisions of title 45, § 33 and former § 24 (Repealed; see, now, this section), all books and records of the Chief Mine Inspector pertaining to his office, not otherwise expressly made secret or confidential by statute, are open and available for public inspection for proper purposes, at proper and reasonable times and in a proper manner to any and all interested persons. Op.Atty.Gen. No. 78-

146 (May 10, 1978).

24. Motor vehicles

The records kept by the Oklahoma tag agents which indicate the existence or nonexistence of security interests retained in motor vehicles are matters of public record under former § 23.2b of title 47 (Repealed; see, now, § 1110 of title 47) and are to be accessible to all legitimate inquirers. Op.Atty.Gen. No. 81-8 (April 9, 1981).

25. Municipal bills or charges

Telephone bills received by a municipality for use of municipal landline and cellular phones by elected officials and administrative personnel are records open for public inspection pursuant to the Oklahoma Open Records Act at 51 O.S.Supp.1995, § 24A.3(1) and § 24A.5. Op.Atty.Gen. No. 95-97 (March 13, 1996).

26. Property records

Before amendment of Uniform Disposition of Unclaimed Property Act providing for confidentiality of filed reports, all unclaimed property records collected by Tax Commission in discharge of its responsibility under Act which were not statutorily required to be made public were exempt from purview of Open Records Act, although attorney contended that Open Records Act allowed access to all unclaimed property division records because they were not specifically required by law to be confidential and that he wanted to act as "private attorney general"; the reports contained individual financial information of type that would ordinarily be subject to court's protective order because it had potential to harm unclaimed property reporters' commercial interests. Merrill v. Oklahoma Tax Com'n, Okla., 831 P.2d 634 (1992). Records ¶ 59

Where a municipality has contracted with a nonprofit corporation to operate public property, records pertaining to the operation, maintenance or improvement of such property or the administration or performance of the contract are public records open for public inspection, even though such records may be kept and maintained in the custody of the nonprofit corporation. Op.Atty.Gen. No. 81-184 (July 23, 1981).

27. Schoolteachers

Teachers contracts, employee payroll claims, or any other public record reflecting the exact salaries of public school teachers and other public employees, are subject to the provisions of Former § 24 (Repealed; see, now, this section), and therefore are required to be kept open for public inspection. Op.Atty.Gen. No. 76-118 (March 15, 1976).

28. Tax returns

Former § 24 (Repealed; see, now, this section) prohibiting application of the open records law to income tax returns filed with the Oklahoma Tax Commission or other "records required by law to be kept secret" did not apply to cost reports and audits on nursing homes kept by the Department of Human Services in connection with its responsibilities under the federal medicaid program. Tulsa Tribune Co. v. Fulton, Okla., 696 P.2d 497 (1984).

The provisions of the Open Meeting Act [title 25, § 301 et seq.] are wholly applicable to the Oklahoma Tax Commission and the Commission is not exempt from the Act [title 25, § 301 et seq.] as a part of the "state judiciary" even though it performs adjudicative functions; however, in light of the provisions of title 68, § 205 and 26 U.S.C.A. §§ 6103 and 7213 and former 26 U.S.C.A. § 7217, concerning the confidentiality of tax returns and return information, and imposing state and federal criminal sanctions on the divulgence of such information, that portion of a proceeding before the Tax Commission involving the divulgence of tax returns and return information may be closed. The proceeding should be open until such time as confidential tax returns or return information must be divulged and then may be closed temporarily for the divulgence of the information and re-opened

again. In all other respects, meetings, hearings or proceedings of the Tax Commission can go into executive session for the purpose of discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee of the Commission, and under the holding of *Oklahoma Association of Municipal Attorneys, et al. v. State of Oklahoma*, 49 O.B.J. 719 (April 25, 1978), for purposes of confidential communications between a majority of the commissioners and staff attorneys, but only if such communications concern "a pending investigation, claim or action and disclosure of the matters discussed would seriously impair the ability of the Commission to process the claim or conduct the pending investigation, litigation or proceeding in the public interest." Op.Atty.Gen. No. 77-285 (May 31, 1978).

29. Electronic mail

Electronic mail connected with the transaction of official business, the expenditure of public funds or the administration of public property and created by or received by a state public body or a public body of a political subdivision constitutes a record and is subject to the Oklahoma Open Records Act. Op.Atty.Gen. No. 01-46 (Nov. 7, 2001).

30. Indian housing authority records

The names and addresses of the participants contained in the records of a State-created Indian housing authority are subject to disclosure under the Oklahoma Open Records Act because no exemption applies and no other provision of law requires their confidentiality. Op.Atty.Gen. No. 03-28 (July 8, 2003).

31. Presumptions and burden of proof

Unless a record falls within a statutorily prescribed exemption in the Open Records Act, the record must be made available for public inspection; the public body urging an exemption has the burden to establish the applicability of such exemption. *Citizens Against Taxpayer Abuse, Inc. v. City of Oklahoma City, Okla.*, 73 P.3d 871 (2003). Records ¶ 54; Records ¶ 65

In ruling on a request for disclosure the public body and the reviewing court must consider that, pursuant to the intent of the Open Records Act, disclosure of information is to be favored over a finding of exemption and the party urging the exemption of materials from disclosure will have the burden of proof to show the applicability of such an exemption. *Tulsa Tribune Co. v. Oklahoma Horse Racing Com'n, Okla.*, 735 P.2d 548 (1986). Records ¶ 50; Records ¶ 65

32. Review

Legislature, by amendments to Open Records Act, intended to obviate *Tulsa Tribune* holding that potentially aggrieved individual had standing to challenge public body's release of records under Act. *State ex rel. Oklahoma State Bd. of Medical Licensure and Supervision v. Migliaccio, Okla.App. Div. 3*, 917 P.2d 483 (1996). Records ¶ 63

Agency decision as to whether its records are exempt from Open Records Act may be reviewed by district court in suit for injunctive and/or declaratory relief. *Merrill v. Oklahoma Tax Com'n, Okla.*, 831 P.2d 634 (1992). Records ¶ 63

51 Okl. St. Ann. § 24A.5, OK ST T. 51 § 24A.5

Current with chapters of the First Regular Session of the 52nd Legislature (2009) effective August 26, 2009.

(c) 2009 Thomson Reuters

END OF DOCUMENT

(c) 2009 Thomson Reuters. No Claim to Orig. US Gov. Works.

51 Okl.St. Ann. § 24A.6

Oklahoma Statutes Annotated Currentness

Title 51. Officers (Refs & Annos)

[Ⓜ] Chapter 1. General Provisions

[Ⓜ] Oklahoma Open Records Act (Refs & Annos)

 ⇒ **§ 24A.6. Public body maintaining less than 30 hours of regular business per week--
Inspection, copying or mechanical reproduction of records**

A. If a public body or its office does not have regular business hours of at least thirty (30) hours a week, the public body shall post and maintain a written notice at its principal office and with the county clerk where the public body is located which notice shall:

1. Designate the days of the week when records are available for inspection, copying or mechanical reproduction;
2. Set forth the name, mailing address, and telephone number of the individual in charge of the records; and
3. Describe in detail the procedures for obtaining access to the records at least two days of the week, excluding Sunday.

B. The person requesting the record and the person authorized to release the records of the public body may agree to inspection, copying, or mechanical reproduction on a day and at a time other than that designated in the notice.

CREDIT(S)

Laws 1985, c. 355, § 6, eff. Nov. 1, 1985.

LIBRARY REFERENCES

2009 Electronic Update

Records ⇐ 51.

 Westlaw Topic No. 326.

 C.J.S. Records §§ 97, 99.

51 Okl. St. Ann. § 24A.6, OK ST T. 51 § 24A.6

Current with chapters of the First Regular Session of the 52nd Legislature (2009) effective August 26, 2009.

(c) 2009 Thomson Reuters

END OF DOCUMENT

(c) 2009 Thomson Reuters. No Claim to Orig. US Gov. Works.

51 Okl.St. Ann. § 24A.7

Oklahoma Statutes Annotated Currentness

Title 51. Officers (Refs & Annos)

^Chapter 1. General Provisions

^Oklahoma Open Records Act (Refs & Annos)

⇒ **§ 24A.7. Personnel records--Confidentiality--Inspection and copying**

A. A public body may keep personnel records confidential:

1. Which relate to internal personnel investigations including examination and selection material for employment, hiring, appointment, promotion, demotion, discipline, or resignation; or
2. Where disclosure would constitute a clearly unwarranted invasion of personal privacy such as employee evaluations, payroll deductions, employment applications submitted by persons not hired by the public body, and transcripts from institutions of higher education maintained in the personnel files of certified public school employees; provided, however, that nothing in this subsection shall be construed to exempt from disclosure the degree obtained and the curriculum on the transcripts of certified public school employees.

B. All personnel records not specifically falling within the exceptions provided in subsection A of this section shall be available for public inspection and copying including, but not limited to, records of:

1. An employment application of a person who becomes a public official;
2. The gross receipts of public funds;
3. The dates of employment, title or position; and
4. Any final disciplinary action resulting in loss of pay, suspension, demotion of position, or termination.

C. Except as may otherwise be made confidential by statute, an employee of a public body shall have a right of access to his own personnel file.

D. Public bodies shall keep confidential the home address, telephone numbers and social security numbers of any person employed or formerly employed by the public body.

CREDIT(S)

Laws 1985, c. 355, § 7, eff. Nov. 1, 1985; Laws 1990, c. 257, § 6, emerg. eff. May 23, 1990; Laws 1994, c. 177, § 1, eff. Sept. 1, 1994; Laws 2005, c. 116, § 2, eff. Nov. 1, 2005.

HISTORICAL AND STATUTORY NOTES

2008 Main Volume

The 1990 amendment rewrote subsection A.2, which prior thereto read:

"Where disclosure would constitute a clearly unwarranted invasion of personal privacy such as employee evaluations, payroll deductions, or employment applications submitted by persons not hired by the public body."

The 1994 amendment added subsection D.

Laws 2005, c. 116, § 2, in subsection D, inserted “, telephone numbers and social security numbers”.

LIBRARY REFERENCES

2009 Electronic Update

Records ¶58.

Westlaw Topic No. 326.

C.J.S. Records §§ 99 to 100, 104 to 105, 107.

RESEARCH REFERENCES

2009 Electronic Update

Treatises and Practice Aids

Termination of Employment § 39:38, Access to Personnel and Medical Files.

NOTES OF DECISIONS

Construction and application 1

Drug and alcohol testing 5

Employees 3

Service ratings 4

State agencies 2

1. Construction and application

Entitlement to confidentiality under Open Records Act as employee of Board of Medical Licensure and Supervision is clearly intended to apply to internal employees of a public body, and not those licensed by that body. State ex rel. Oklahoma State Bd. of Medical Licensure and Supervision v. Migliaccio, Okla.App. Div. 3, 917 P.2d 483 (1996). Records ¶ 58

2. State agencies

Individual state agencies are employers for purposes of statute. Op.Atty.Gen. No. 97-48 (Dec. 10, 1997).

State agencies, as employers, may disclose a current or former employee's job performance information and/or employee's service evaluation to prospective employers only if such disclosure is done with the consent or at the request of the current or former employee. Op.Atty.Gen. No. 97-48 (Dec. 10, 1997).

An agency employer, in its discretion, may disclose employee service evaluations done in compliance with the Oklahoma Personnel Act, and/or job performance information of former or current employees, if such disclosure is done at the request of or with the consent of the current or former employee, even though said evaluations and/or information may be kept confidential under the Oklahoma Open Records Act. Op.Atty.Gen. No. 97-48 (Dec. 10, 1997).

3. Employees

Public bodies other than state agencies may keep the telephone numbers of public employees confidential if disclosure of the telephone numbers would constitute a clearly unwarranted invasion of personal privacy. Op.Atty.Gen. No. 99-30 (July 19, 1999).

While records of Oklahoma State Bureau of Investigation relating to background investigation of an employee may not be disclosed to general public, an employee of the agency is entitled, under this section, to review his or her background investigation as part of his or her own personnel file.

Op.Atty.Gen. Nos. 86-39, 86-69 (June 20, 1986).

4. Service ratings

Copies of employee service ratings furnished to the Office of Personnel Management pursuant to 74 O.S.Supp.1995, § 840-4.17(F) are records of the employing agency, and, if they have been designated by the agency as confidential, they do not lose that status upon a copy being furnished to the Office of Personnel Management. Op.Atty.Gen. No. 95-68 (Feb. 7, 1996).

5. Drug and alcohol testing

When a State employee is discharged because of a positive random drug testing result, the State must disclose the termination to potential employers doing employment checks on the employee, but may not disclose that the termination was for failure of a drug or alcohol test or for refusal to take such a test. Op.Atty.Gen. No. 97-79 (Oct. 13, 1997).

51 Okl. St. Ann. § 24A.7, OK ST T. 51 § 24A.7

Current with chapters of the First Regular Session of the 52nd Legislature (2009) effective August 26, 2009.

(c) 2009 Thomson Reuters

END OF DOCUMENT

(c) 2009 Thomson Reuters. No Claim to Orig. US Gov. Works.

51 Okl.St. Ann. § 24A.8

Oklahoma Statutes Annotated Currentness

Title 51. Officers (Refs & Annos)

↳ Chapter 1. General Provisions

↳ Oklahoma Open Records Act (Refs & Annos)

⇒ **§ 24A.8. Law enforcement records--Disclosure**

A. Law enforcement agencies shall make available for public inspection, if kept, the following records:

1. An arrestee description, including the name, date of birth, address, race, sex, physical description, and occupation of the arrestee;
2. Facts concerning the arrest, including the cause of arrest and the name of the arresting officer;
3. A chronological list of incidents pertaining to the arrest, including initial offense report information showing the offense, date, time, general location, officer, and a brief summary of what occurred; and
4. Radio logs, including a chronological listing of the calls dispatched.

B. Law enforcement agencies shall make available for public inspection, if kept, the following records:

1. Conviction information, including the name of any person convicted of a criminal offense;
2. Disposition of all warrants, including orders signed by a judge of any court commanding a law enforcement officer to arrest a particular person;
3. A crime summary, including an agency summary of crimes reported and public calls for service by classification or nature and number; and
4. Jail registers, including jail blotter data or jail booking information recorded on persons at the time of incarceration showing the name of each prisoner with the date and cause of commitment, the authority committing the prisoner, whether committed for a criminal offense, a description of the prisoner, and the date or manner of discharge or escape of the prisoner.

C. Except for the records listed in subsections A and B of this section and those made open by other state or local laws, law enforcement agencies may deny access to law enforcement records except where a court finds that the public interest or the interest of an individual outweighs the reason for denial.

D. Nothing contained in this section imposes any new recordkeeping requirements. Law enforcement records shall be kept for as long as is now or may hereafter be specified by law. Absent a legal requirement for the keeping of a law enforcement record for a specific time period, law enforcement agencies shall maintain their records for so long as needed for administrative purposes.

E. Registration files maintained by the Department of Corrections pursuant to the provisions of the Sex Offenders Registration Act [FN1] shall be made available for public inspection in a manner to be determined by the Department.

F. The Council on Law Enforcement Education and Training (C.L.E.E.T.) shall keep confidential all records it maintains pursuant to Section 3311 of Title 70 of the Oklahoma Statutes and deny release of records relating to any employed or certified full-time officer, reserve officer, retired officer or other person; teacher lesson plans, tests and other teaching materials; and personal communications concerning individual students except under the following circumstances:

1. To verify the current certification status of any peace officer;
 2. As may be required to perform the duties imposed by Section 3311 of Title 70 of the Oklahoma Statutes;
 3. To provide to any peace officer copies of the records of that peace officer upon submitting a written request;
 4. To provide, upon written request, to any law enforcement agency conducting an official investigation, copies of the records of any peace officer who is the subject of such investigation;
 5. To provide final orders of administrative proceedings where an adverse action was taken against a peace officer; and
 6. Pursuant to an order of the district court of the State of Oklahoma.
- G. The Department of Public Safety shall keep confidential:

1. All records it maintains pursuant to its authority under Title 47 of the Oklahoma Statutes relating to the Oklahoma Highway Patrol Division, the Communications Division, and other divisions of the Department relating to:
 - a. training, lesson plans, teaching materials, tests, and test results,
 - b. policies, procedures, and operations, any of which are of a tactical nature, and
 - c. the following information from radio logs:
 - (1) telephone numbers,
 - (2) addresses other than the location of incidents to which officers are dispatched, and
 - (3) personal information which is contrary to the provisions of the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725; and
2. For the purpose of preventing identity theft and invasion of law enforcement computer systems, except as provided in Title 47 of the Oklahoma Statutes, all driving records.

CREDIT(S)

Laws 1985, c. 355, § 8, eff. Nov. 1, 1985; Laws 1989, c. 212, § 8, eff. Nov. 1, 1989; Laws 2000, c. 349, § 2, eff. Nov. 1, 2000; Laws 2001, c. 5, § 29, emerg. eff. March 21, 2001; Laws 2005, c. 199, § 6, eff. Nov. 1, 2005; Laws 2006, c. 16, § 36, emerg. eff. March 29, 2006.

[FN1] Title 57 § 581 et seq.

HISTORICAL AND STATUTORY NOTES

2008 Main Volume

The 1989 amendment added subsection D.

Laws 2000, c. 349, § 2, in subsection A, paragraph 8, made gender-neutral changes; and in subsection D, deleted "not" following "shall" and added "in a manner to be determined by the Department".

Laws 2001, c. 5, § 29, added subsection E.

Section 1 of Laws 2000, c. 226, amending this section, was repealed by Laws 2001, c. 5, § 30.

Laws 2005, c. 199, § 6, rewrote the section, which prior thereto read:

"A. Law enforcement agencies shall make available for public inspection, if kept, the following records:

"1. An arrestee description, including the name, date of birth, address, race, sex, physical description, and occupation of the arrestee;

"2. Facts concerning the arrest, including the cause of arrest and the name of the arresting officer;

"3. Conviction information, including the name of any person convicted of a criminal offense;

"4. Disposition of all warrants, including orders signed by a judge of any court commanding a law enforcement officer to arrest a particular person;

"5. A chronological list of incidents, including initial offense report information showing the offense, date, time, general location, officer and a brief summary of what occurred;

"6. A crime summary, including a departmental summary of crimes reported and public calls for service by classification or nature and number;

"7. Radio logs, including a chronological listing of the calls dispatched; and

"8. Jail registers, including jail blotter data or jail booking information recorded on persons at the time of incarceration showing the name of each prisoner with the date and cause of his commitment, the authority committing the prisoner, whether committed for a criminal offense, a description of the prisoner, and the date or manner of his discharge or escape.

"B. Except for the records listed in subsection A of this section and those made open by other state or local laws, law enforcement agencies may deny access to law enforcement records except where a court finds that the public interest or the interest of an individual outweighs the reason for denial.

"C. Nothing contained in this section imposes any new recordkeeping requirements. Law enforcement records shall be kept for as long as is now or may hereafter be specified by law. Absent a legal requirement for the keeping of a law enforcement record for a specific time period, law enforcement agencies shall maintain their records for so long as needed for administrative purposes.

"D. Registration files maintained by the Department of Corrections pursuant to the provisions of the Sex Offenders Registration Act shall be made available for public inspection in a manner to be determined by the Department."

Laws 2006, c. 16, § 36, in subsection F, inserted paragraph 4 and redesignated former paragraphs 4 and 5 as paragraphs 5 and 6.

Section 1 of Laws 2005, c. 35, amending this section, was repealed by Laws 2006, c. 16, § 37.

LIBRARY REFERENCES

2009 Electronic Update

Records ¶60.

Westlaw Topic No. 326.

C.J.S. Records §§ 99 to 100, 107 to 111.

RESEARCH REFERENCES

2009 Electronic Update

Encyclopedias

7 Am. Jur. Proof of Facts 3d 345, Negligent Hiring of Security Guard.

Forms

2A Vernon's Oklahoma Forms 2d § 13.8, Wiretapping.

UNITED STATES SUPREME COURT

Regulation of access to names and addresses of arrestees, see Los Angeles Police Dept. v. United Reporting Publishing Corp., 1999, 120 S.Ct. 483.

NOTES OF DECISIONS

- Construction and application 1
- Production of records 2
- Traffic collision reports 4
- Traffic offenses 3

1. Construction and application

Only those records of the Oklahoma County Sheriff's Department Bomb Squad which fall under the provisions of 51 O.S. 1991, § 24A.8(A) are subject to release under the Oklahoma Open Records Act. Op.Atty.Gen. No. 96-10 (June 13, 1996).

Records used for internal detection and investigation of crimes are not public in nature; however, administrative records are within the purview of former § 24 (Repealed; see, now, this section) and open to public inspection. Whether a record is public in nature is a question of fact that can only be determined from the type and purpose of the record maintained, its use, and the statutes, ordinances, and policies pertaining to the individual law enforcement entity maintaining the record in question. Op.Atty.Gen. No. 79-172 (July 20, 1979).

Jail register, police blotter, and recorded electronic transactions with police department are in general subject to former § 24 (Repealed; see, now, this section). Op.Atty.Gen. No. 84-119 (March 12, 1985).

2. Production of records

Police officer did not violate Oklahoma Open Records Act by failing to produce documents requested by former city employee being investigated for ticket scalping scheme; officer had no duty to produce any documents under Act because law enforcement agencies, not individual officers, are required by Act to produce records. Primas v. City of Oklahoma City, C.A.10 (Okla.)1992, 958 F.2d 1506. Records
62

3. Traffic offenses

There is no prohibition in the laws of this State against the Department of Public Safety furnishing to the news media, law enforcement officials, or private individuals, lists of names and addresses of persons whose operators' licenses have been revoked or suspended. Op.Atty.Gen. No. 72-194 (July 18, 1972).

4. Traffic collision reports

Traffic collision reports do not fall within one of the eight categories of crime-related documents

required to be open-listed in law enforcement section of the Open Records Act, and thus they may be withheld if police department's interest is sufficient to outweigh interest of person seeking disclosure. Cummings & Associates, Inc. v. City of Oklahoma City ex rel. Oklahoma City Police Dept., Okla., 849 P.2d 1087 (1993). Records ¶ 54; Records ¶ 64

Lawyers seeking access to police department's traffic collision reports by date, without providing names of parties or other information relating to particular accident, were not entitled to disclosure under Open Records Act; where reports were not separated from crime incident reports in data entry section so that computer was unable to generate list of accidents using only date absent development of special computer program, lawyers' desired use of reports for target mail solicitation of clients from those injured in automobile collisions, though not violating Rules of Professional Conduct, did not outweigh the department's interest in withholding reports without receiving the basic information required of other persons requesting copies. Cummings & Associates, Inc. v. City of Oklahoma City ex rel. Oklahoma City Police Dept., Okla., 849 P.2d 1087 (1993). Records ¶ 54; Records ¶ 64

51 Okl. St. Ann. § 24A.8, OK ST T. 51 § 24A.8

Current with chapters of the First Regular Session of the 52nd Legislature (2009) effective August 26, 2009.

(c) 2009 Thomson Reuters

END OF DOCUMENT

(c) 2009 Thomson Reuters. No Claim to Orig. US Gov. Works.

51 Okl.St. Ann. § 24A.9

Oklahoma Statutes Annotated Currentness

Title 51. Officers (Refs & Annos)

↳ Chapter 1. General Provisions

↳ Oklahoma Open Records Act (Refs & Annos)

⇒ **§ 24A.9. Personal notes and personally created material--Confidentiality**

Prior to taking action, including making a recommendation or issuing a report, a public official may keep confidential his or her personal notes and personally created materials other than departmental budget requests of a public body prepared as an aid to memory or research leading to the adoption of a public policy or the implementation of a public project.

CREDIT(S)

Laws 1985, c. 355, § 9, eff. Nov. 1, 1985.

LIBRARY REFERENCES

2009 Electronic Update

Records ⇐57.

Westlaw Topic No. 326.

C.J.S. Records §§ 99 to 100, 103, 105.

51 Okl. St. Ann. § 24A.9, OK ST T. 51 § 24A.9

Current with chapters of the First Regular Session of the 52nd Legislature (2009) effective August 26, 2009.

(c) 2009 Thomson Reuters

END OF DOCUMENT

(c) 2009 Thomson Reuters. No Claim to Orig. US Gov. Works.

51 Okl.St. Ann. § 24A.10

Oklahoma Statutes Annotated Currentness

Title 51. Officers (Refs & Annos)

⌘ Chapter 1. General Provisions

⌘ Oklahoma Open Records Act (Refs & Annos)

⇒ **§ 24A.10. Voluntarily supplied information--Records providing unfair competitive advantage--Department of Commerce records--Public utility records--Confidentiality--Disclosure**

A. Any information, records or other material heretofore voluntarily supplied to any state agency, board or commission which was not required to be considered by that agency, board or commission in the performance of its duties may, within thirty (30) days from June 6, 1988, be removed from the files of such agency, board or commission by the person or entity which originally voluntarily supplied such information. Provided, after thirty (30) days from the effective date of this act, [FN1] any information voluntarily supplied shall be subject to full disclosure pursuant to this act. [FN2]

B. If disclosure would give an unfair advantage to competitors or bidders, a public body may keep confidential records relating to:

1. Bid specifications for competitive bidding prior to publication by the public body; or
2. Contents of sealed bids prior to the opening of bids by a public body; or
3. Computer programs or software but not data thereon; or
4. Appraisals relating to the sale or acquisition of real estate by a public body prior to award of a contract; or
5. The prospective location of a private business or industry prior to public disclosure of such prospect except for records otherwise open to inspection such as applications for permits or licenses.

C. Except as set forth hereafter, the Oklahoma Department of Commerce may keep confidential:

1. Business plans, feasibility studies, financing proposals, marketing plans, financial statements or trade secrets submitted by a person or entity seeking economic advice from the Oklahoma Department of Commerce; and
2. Information compiled by the Oklahoma Department of Commerce in response to those submissions.

The Oklahoma Department of Commerce may not keep confidential that submitted information when and to the extent the person or entity submitting the information consents to disclosure.

D. Although they must provide public access to their records, including records of the address, rate paid for services, charges, consumption rates, adjustments to the bill, reasons for adjustment, the name of the person that authorized the adjustment, and payment for each customer, public bodies that provide utility services to the public may keep confidential credit information, credit card numbers, telephone numbers, social security numbers, bank account information for individual customers, and utility supply and utility equipment supply contracts for any industrial customer with a connected electric load in excess of two thousand five hundred (2,500) kilowatts if public access to such contracts would give an unfair advantage to competitors of the customer; provided that, where a public body performs billing or collection services for a utility regulated by the Corporation Commission pursuant to a contractual agreement, any customer or individual payment data obtained or created by the public body in performance of the agreement shall not be a record for purposes of

this act.

CREDIT(S)

Laws 1985, c. 355, § 10, eff. Nov. 1, 1985; Laws 1988, c. 187, § 5, emerg. eff. June 6, 1988; Laws 1996, c. 209, § 4, eff. Nov. 1, 1996; Laws 2004, c. 186, § 1, emerg. eff. May 3, 2004; Laws 2006, c. 18, § 1, eff. Nov. 1, 2006; Laws 2007, c. 6, § 1, eff. Nov. 1, 2007; Laws 2008, c. 284, § 1, eff. Nov. 1, 2008.

[FN1] O.S.L.1988, c. 187, § 5, emerg. eff. June 6, 1988.

[FN2] Title 51, § 24A.1 et seq.

HISTORICAL AND STATUTORY NOTES

2009 Electronic Update

Laws 2008, c. 284, § 1, in subsection D, deleted "name," preceding "address," and inserted "consumption rates, adjustments to the bill, reasons for adjustment, the name of the person that authorized the adjustment,".

2008 Main Volume

The 1988 amendment inserted subsection A; designated the existing text as subsection B; and added subsection C.

The 1996 amendment added subsection D.

Laws 2004, c. 186, § 1, in subsection A, in the first sentence, substituted "June 6, 1988" for "the effective date of this act"; in subsection D, added "; provided that, where a public body performs billing or collection services for a utility regulated by the Corporation Commission pursuant to a contractual agreement, any customer or individual payment data obtained or created by the public body in performance of the agreement shall not be a record for purposes of this act".

Laws 2006, c. 18, § 1, in subsection D, inserted "social security numbers,".

Laws 2007, c. 6, § 1, in subsection D, inserted ", and utility supply and utility equipment supply contracts for any industrial customer with a connected electric load in excess of two thousand five hundred (2,500) kilowatts if public access to such contracts would give an unfair advantage to competitors of the customer" and made a nonsubstantive change.

ADMINISTRATIVE CODE REFERENCES

2008 Main Volume

Law enforcement and driver license records, restriction on disclosure of records providing unfair competitive advantage, see Okla. Admin. Code 595:1-9-3.

LIBRARY REFERENCES

2009 Electronic Update

Records ⇄ 59.

Westlaw Topic No. 326.

C.J.S. Records §§ 99 to 100, 106.

RESEARCH REFERENCES

2009 Electronic Update

Treatises and Practice Aids

3 Oklahoma Practice § 42.03, The Topical Privileges--Trade Secrets.

51 Okl. St. Ann. § 24A.10, OK ST T. 51 § 24A.10

Current with chapters of the First Regular Session of the 52nd Legislature (2009) effective August 26, 2009.

(c) 2009 Thomson Reuters

END OF DOCUMENT

(c) 2009 Thomson Reuters. No Claim to Orig. US Gov. Works.

51 Okl.St. Ann. § 24A.10a

Oklahoma Statutes Annotated Currentness

Title 51. Officers (Refs & Annos)

⌘ Chapter 1. General Provisions

⌘ Oklahoma Open Records Act (Refs & Annos)

⇒ **§ 24A.10a. Oklahoma Medical Center--Market research and marketing plans--Confidentiality**

The Oklahoma Medical Center may keep confidential market research conducted by and marketing plans developed by the Oklahoma Medical Center if the Center determines that disclosure of such research or plans would give an unfair advantage to competitors of the Oklahoma Medical Center regarding marketing research and planning, public education, and advertising and promotion of special and general services provided by the Oklahoma Medical Center.

CREDIT(S)

Laws 1988, c. 266, § 22, operative July 1, 1988.

LIBRARY REFERENCES

2009 Electronic Update

Records ⇐59.

Westlaw Topic No. 326.

C.J.S. Records §§ 99 to 100, 106.

51 Okl. St. Ann. § 24A.10a, OK ST T. 51 § 24A.10a

Current with chapters of the First Regular Session of the 52nd Legislature (2009) effective August 26, 2009.

(c) 2009 Thomson Reuters

END OF DOCUMENT

(c) 2009 Thomson Reuters. No Claim to Orig. US Gov. Works.

51 Okl.St. Ann. § 24A.11

Oklahoma Statutes Annotated Currentness

Title 51. Officers (Refs & Annos)

Chapter 1. General Provisions

Oklahoma Open Records Act (Refs & Annos)

⇒§ 24A.11. Library, archive or museum materials--Confidentiality

A. A public body may keep confidential library, archive, or museum materials donated to the public body to the extent of any limitations imposed as a condition of the donation and any information which would reveal the identity of an individual who lawfully makes a donation to or on behalf of a public body including, but not limited to, donations made through a foundation operated in compliance with Sections 5-145 and 4306 of Title 70 of the Oklahoma Statutes.

B. If library, archive, or museum materials are donated to a public body and the donation may be claimed as a tax deduction, the public body may keep confidential any information required as a condition of the donation except the date of the donation, the appraised value claimed for the donation, and a general description of the materials donated and their quantity.

CREDIT(S)

Laws 1985, c. 355, § 11, eff. Nov. 1, 1985; Laws 1992, c. 231, § 3, emerg. eff. May 19, 1992.

HISTORICAL AND STATUTORY NOTES

2008 Main Volume

The 1992 amendment rewrote subsection A, which prior thereto read:

"A public body may keep confidential library, archive, or museum materials donated to the public body to the extent of any limitations imposed as a condition of the donation or any information which would reveal the identity of an individual who lawfully makes a donation to a public body if anonymity of the donor is a condition of the donation."

LIBRARY REFERENCES

2009 Electronic Update

Records ¶58.

Westlaw Topic No. 326.

C.J.S. Records §§ 99 to 100, 104 to 105, 107.

NOTES OF DECISIONS

Construction and application 1

1. Construction and application

A public body has discretion to keep the identity of a donor confidential in absence of a law which requires or prohibits confidentiality. Op. Atty. Gen. No. 02-027 (July 9, 2002).

51 Okl. St. Ann. § 24A.11, OK ST T. 51 § 24A.11

Current with chapters of the First Regular Session of the 52nd Legislature (2009) effective August 26, 2009.

(c) 2009 Thomson Reuters

END OF DOCUMENT

(c) 2009 Thomson Reuters. No Claim to Orig. US Gov. Works.

51 Okl.St. Ann. § 24A.12

Oklahoma Statutes Annotated Currentness

Title 51. Officers (Refs & Annos)

^Chapter 1. General Provisions

^Oklahoma Open Records Act (Refs & Annos)

⇒**§ 24A.12. Litigation files and investigatory files of Attorney General, district or municipal attorney--Confidentiality**

Except as otherwise provided by state or local law, the Attorney General of the State of Oklahoma and agency attorneys authorized by law, the office of the district attorney of any county of the state, and the office of the municipal attorney of any municipality may keep its litigation files and investigatory reports confidential.

CREDIT(S)

Laws 1985, c. 355, § 12, eff. Nov. 1, 1985; Laws 1988, c. 187, § 6, emerg. eff. June 6, 1988.

HISTORICAL AND STATUTORY NOTES

2008 Main Volume

The 1988 amendment inserted "and agency attorneys authorized by law".

LAW REVIEW AND JOURNAL COMMENTARIES

Ethical issues in administrative hearings: commingling functions, bias and confidentiality.
Rabindranath Ramana, 70 Okla.B.J. 2263 (1999).

LIBRARY REFERENCES

2009 Electronic Update

Records ⇐60.

Westlaw Topic No. 326.

C.J.S. Records §§ 99 to 100, 107 to 111.

51 Okl. St. Ann. § 24A.12, OK ST T. 51 § 24A.12

Current with chapters of the First Regular Session of the 52nd Legislature (2009) effective August 26, 2009.

(c) 2009 Thomson Reuters

END OF DOCUMENT

(c) 2009 Thomson Reuters. No Claim to Orig. US Gov. Works.

51 Okl.St. Ann. § 24A.13

Oklahoma Statutes Annotated Currentness

Title 51. Officers (Refs & Annos)

^Chapter 1. General Provisions

^Oklahoma Open Records Act (Refs & Annos)

⇒ **§ 24A.13. Federal records--Confidentiality**

Records coming into the possession of a public body from the federal government or records generated or gathered as a result of federal legislation may be kept confidential to the extent required by federal law.

CREDIT(S)

Laws 1985, c. 355, § 13, eff. Nov. 1, 1985.

LIBRARY REFERENCES

2009 Electronic Update

Records ⇐55.

Westlaw Topic No. 326.

C.J.S. Records §§ 99 to 101.

NOTES OF DECISIONS

Certified nursing aide and nursing aide trainee registry 1

1. Certified nursing aide and nursing aide trainee registry

The Oklahoma Open Records Act does not require personal information submitted by an applicant and/or licensee to the Oklahoma State Department of Health to be publicly disclosed when it is required by the certified nursing aide and nursing aide trainee registry. Op. Atty. Gen. No. 01-7 (Feb. 16, 2001).

51 Okl. St. Ann. § 24A.13, OK ST T. 51 § 24A.13

Current with chapters of the First Regular Session of the 52nd Legislature (2009) effective August 26, 2009.

(c) 2009 Thomson Reuters

END OF DOCUMENT

(c) 2009 Thomson Reuters. No Claim to Orig. US Gov. Works.

51 Okl.St. Ann. § 24A.14

Oklahoma Statutes Annotated Currentness

Title 51. Officers (Refs & Annos)

^Chapter 1. General Provisions

^Oklahoma Open Records Act (Refs & Annos)

⇒**§ 24A.14. Personal communications relating to exercise of constitutional rights-- Confidentiality**

Except for the fact that a communication has been received and that it is or is not a complaint, a public official may keep confidential personal communications received by the public official from a person exercising rights secured by the Constitution of the State of Oklahoma or the Constitution of the United States. The public official's written response to this personal communication may be kept confidential only to the extent necessary to protect the identity of the person exercising the right.

CREDIT(S)

Laws 1985, c. 355, § 14, eff. Nov. 1, 1985.

LIBRARY REFERENCES

2009 Electronic Update

Records ⇐58.

Westlaw Topic No. 326.

C.J.S. Records §§ 99 to 100, 104 to 105, 107.

NOTES OF DECISIONS

Construction and application 1

1. Construction and application

Records created by a public body after receipt of a complaint must be open to public access and review under Open Records Act, unless there is express statutory exception. State ex rel. Oklahoma State Bd. of Medical Licensure and Supervision v. Migliaccio, Okla.App. Div. 3, 917 P.2d 483 (1996).
Records ⇐ 54

Except for the fact that a complaint about a dentist, dental hygienist, or dental assistant has been received, the members and employees of the Board of Governors of Registered Dentists may, in their discretion, keep confidential complaints about dentists, dental hygienists, and dental assistants, as provided in this section; but the Board member or employee's written response to such complaint may be kept confidential only to the extent necessary to protect the identity of the person making the complaint. Op. Atty. Gen. No. 88-79 (April 17, 1989).

51 Okl. St. Ann. § 24A.14, OK ST T. 51 § 24A.14

Current with chapters of the First Regular Session of the 52nd Legislature (2009) effective August 26, 2009.

(c) 2009 Thomson Reuters

END OF DOCUMENT

51 Okl.St. Ann. § 24A.15

Oklahoma Statutes Annotated Currentness

Title 51. Officers (Refs & Annos)

☞ Chapter 1. General Provisions

☞ Oklahoma Open Records Act (Refs & Annos)

⇒ **§ 24A.15. Crop and livestock reports--Public warehouse financial statements--Confidentiality**

A. The Division of Agricultural Statistics, Oklahoma Department of Agriculture, also known as the Oklahoma Crop and Livestock Reporting Service, may keep confidential crop and livestock reports provided by farmers, ranchers, and agri-businesses to the extent the reports individually identify the providers.

B. The State Board of Agriculture is authorized to provide for the confidentiality of any financial statement filed pursuant to Section 9-22 of Title 2 of the Oklahoma Statutes. Copies of such financial statements may only be obtained upon written request to the Commissioner of Agriculture.

Upon good cause shown, and at the discretion of the Commissioner of Agriculture, such financial statements may be released.

CREDIT(S)

Laws 1985, c. 355, § 15, eff. Nov. 1, 1985; Laws 1988, c. 259, § 14, emerg. eff. June 29, 1988.

HISTORICAL AND STATUTORY NOTES

2008 Main Volume

The 1988 amendment designated the existing text as subsection A; and added subsection B.

LIBRARY REFERENCES

2009 Electronic Update

Records ⇄ 59.

Westlaw Topic No. 326.

C.J.S. Records §§ 99 to 100, 106.

51 Okl. St. Ann. § 24A.15, OK ST T. 51 § 24A.15

Current with chapters of the First Regular Session of the 52nd Legislature (2009) effective August 26, 2009.

(c) 2009 Thomson Reuters

END OF DOCUMENT

(c) 2009 Thomson Reuters. No Claim to Orig. US Gov. Works.

51 Okl.St. Ann. § 24A.16

Oklahoma Statutes Annotated Currentness

Title 51. Officers (Refs & Annos)

^Chapter 1. General Provisions

^Oklahoma Open Records Act (Refs & Annos)

⇒**§ 24A.16. Educational records and materials--Confidentiality**

A. Except as set forth in subsection B of this section, public educational institutions and their employees may keep confidential:

1. Individual student records;
2. Teacher lesson plans, tests and other teaching material; and
3. Personal communications concerning individual students.

B. If kept, statistical information not identified with a particular student and directory information shall be open for inspection and copying. "Directory information" includes a student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational institution attended by the student. Any educational agency or institution making public directory information shall give public notice of the categories of information which it has designated as directory information with respect to each student attending the institution or agency and shall allow a reasonable period of time after the notice has been given for a parent to inform the institution or agency that any or all of the information designated should not be released without prior consent of the parent or guardian or the student if the student is eighteen (18) years of age or older.

C. A public school district may release individual student records for the current or previous school year to a school district at which the student was previously enrolled for purposes of evaluating educational programs and school effectiveness.

CREDIT(S)

Laws 1985, c. 355, § 16, eff. Nov. 1, 1985; Laws 1986, c. 116, § 1, emerg. eff. April 9, 1986; Laws 2003, c. 430, § 1, eff. July 1, 2003.

HISTORICAL AND STATUTORY NOTES

2008 Main Volume

The 1986 amendment, in subsection B, added the third sentence.

Laws 2003, c. 430, § 1, in subsection B, rewrote the second sentence, which prior thereto read:

"Any educational agency or institution making public directory information shall give public notice of the categories of information which it has designated as such information with respect to each student attending the institution or agency and shall allow a reasonable period of time after such notice has been given for a parent to inform the institution or agency that any or all of the information designated should not be released without the parent's or guardian's prior consent or the student's himself if he is eighteen (18) years of age or older."

; and added subsection C.

CROSS REFERENCES

State higher education institutions, prohibition of agreements to sell student data for the purpose of marketing consumer credit, see Title 70, § 3245.

LIBRARY REFERENCES

2009 Electronic Update

Records ¶58.

Westlaw Topic No. 326.

C.J.S. Records §§ 99 to 100, 104 to 105, 107.

NOTES OF DECISIONS

Directory information 1

High school equivalency program 2

1. Directory information

Public educational institutions are required, under subdivision (B) of this section, to grant access to any existing lists of former college students to any person who requests it, but this obligation is limited to directory information and it excludes specifically other types of information, whose disclosure would be violative of applicable federal law; moreover, disclosure is not permitted with respect to individuals who, exercising their rights under 20 U.S.C.A. § 1232g(a)(5)(B) or subdivision (B) of this section, have objected to such disclosure. Op.Atty.Gen. No. 86-152 (1-9-87).

Effect of Family Educational Rights and Privacy Act of 1974, 20 U.S.C.A. § 1232g, on requirement of subdivision (B) of this section for public access to "directory information" is that school district trying to retain federal funding may only provide public access to information contained in "directory information" by complying with requirements of 20 U.S.C.A. § 1232(a)(5)(B). Op.Atty.Gen. No. 85-167 (Nov. 5, 1985).

2. High school equivalency program

The records of the State Board of Education relating to the General Educational Development (GED) High School Equivalency Certificate Program are public records and would be subject to former § 24 (Repealed; see, now, this section). Op.Atty.Gen. No. 78-209 (Dec. 13, 1978).

51 Okl. St. Ann. § 24A.16, OK ST T. 51 § 24A.16

Current with chapters of the First Regular Session of the 52nd Legislature (2009) effective August 26, 2009.

(c) 2009 Thomson Reuters

END OF DOCUMENT

(c) 2009 Thomson Reuters. No Claim to Orig. US Gov. Works.

51 Okl.St. Ann. § 24A.16a

Oklahoma Statutes Annotated Currentness

Title 51. Officers (Refs & Annos)

^Chapter 1. General Provisions

^Oklahoma Open Records Act (Refs & Annos)

⇒**§ 24A.16a. Higher education--Donor or prospective donor information--Confidentiality**

Institutions or agencies of The Oklahoma State System of Higher Education may keep confidential all information pertaining to donors and prospective donors to or for the benefit of the institutions or agencies.

CREDIT(S)

Laws 2007, c. 170, § 2, emerg. eff. May 31, 2007.

LIBRARY REFERENCES

2009 Electronic Update

Records ⇐58.

Westlaw Topic No. 326.

C.J.S. Records §§ 99 to 100, 104 to 105, 107.

51 Okl. St. Ann. § 24A.16a, OK ST T. 51 § 24A.16a

Current with chapters of the First Regular Session of the 52nd Legislature (2009) effective August 26, 2009.

(c) 2009 Thomson Reuters

END OF DOCUMENT

(c) 2009 Thomson Reuters. No Claim to Orig. US Gov. Works.

51 Okl.St. Ann. § 24A.17

Oklahoma Statutes Annotated Currentness

Title 51. Officers (Refs & Annos)

▣ Chapter 1. General Provisions

▣ Oklahoma Open Records Act (Refs & Annos)

⇒ **§ 24A.17. Violations--Penalties--Civil liability**

A. Any public official who willfully violates any provision of the Oklahoma Open Records Act, [FN1] upon conviction, shall be guilty of a misdemeanor, and shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a period not exceeding one (1) year, or by both such fine and imprisonment.

B. Any person denied access to records of a public body or public official:

1. May bring a civil suit for declarative or injunctive relief, or both, but such civil suit shall be limited to records requested and denied prior to filing of the civil suit; and

2. If successful, shall be entitled to reasonable attorney fees.

C. If the public body or public official successfully defends a civil suit and the court finds that the suit was clearly frivolous, the public body or public official shall be entitled to reasonable attorney fees.

D. A public body or public official shall not be civilly liable for damages for providing access to records as allowed under the Oklahoma Open Records Act.

CREDIT(S)

Laws 1985, c. 355, § 17, eff. Nov. 1, 1985; Laws 2005, c. 199, § 7, eff. Nov. 1, 2005.

[FN1] Title 51, § 24A.1 et seq.

HISTORICAL AND STATUTORY NOTES

2008 Main Volume

Laws 2005, c. 199, § 7, rewrote section, which prior thereto read:

"A. Any public official who willfully violates any provision of the Oklahoma Open Records Act, upon conviction, shall be guilty of a misdemeanor, and shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment in the county jail for a period not exceeding one (1) year, or by both such fine and imprisonment.

"B. Any person denied access to a record of a public body or public official may bring a civil suit for declarative and/or injunctive relief and, if successful, shall be entitled to reasonable attorney fees. If the public body or public official successfully defends a civil suit and the court finds that the suit was clearly frivolous, the public body or public official shall be entitled to reasonable attorney fees.

"C. A public body or public official shall not be civilly liable for damages for providing access to records as allowed under the Oklahoma Open Records Act."

LIBRARY REFERENCES

2009 Electronic Update

Records ↔ 61.
Westlaw Topic No. 326.
C.J.S. Records §§ 95, 99 to 100, 104, 112 to 131.

NOTES OF DECISIONS

Attorney fees 2
Construction and application 1
Standing 3

1. Construction and application

This section would not apply to Horse Racing Commission's decision to refuse to release information as long as the Commission was acting in good faith. Tulsa Tribune Co. v. Oklahoma Horse Racing Com'n, Okla., 735 P.2d 548 (1986).

2. Attorney fees

Private corporation which obtained mandamus relief directing Department of Corrections to provide information requested under Open Records Act was entitled to statutory award of fees incurred on appeal under statute providing for award to prevailing plaintiffs in such suits. Transportation Information Services, Inc. v. State ex rel. Oklahoma Dept. of Corrections, Okla., 970 P.2d 166 (1998), corrected. Mandamus ↔ 190

3. Standing

Connection between nonprofit organization representing taxpayers and attorneys who requested that city disclose financial documents used to determine credit worthiness of potential lessee of city property was sufficient to support nonprofit organization's standing to appeal city's refusal to disclose such documents, even though organization was not incorporated until after request for disclosure was made, where attorneys who submitted requests were listed as incorporators of organization. Citizens Against Taxpayer Abuse, Inc. v. City of Oklahoma City, Okla., 73 P.3d 871 (2003). Records ↔ 63

51 Okl. St. Ann. § 24A.17, OK ST T. 51 § 24A.17

Current with chapters of the First Regular Session of the 52nd Legislature (2009) effective August 26, 2009.

(c) 2009 Thomson Reuters

END OF DOCUMENT

(c) 2009 Thomson Reuters. No Claim to Orig. US Gov. Works.

51 Okl.St. Ann. § 24A.18

Oklahoma Statutes Annotated Currentness

Title 51. Officers (Refs & Annos)

^ Chapter 1. General Provisions

^ Oklahoma Open Records Act (Refs & Annos)

⇒ **§ 24A.18. Additional recordkeeping not required**

Except as may be required in Section 24A.4 of this title, this act does not impose any additional recordkeeping requirements on public bodies or public officials.

CREDIT(S)

Laws 1985, c. 355, § 18, eff. Nov. 1, 1985; Laws 2005, c. 199, § 8, eff. Nov. 1, 2005.

HISTORICAL AND STATUTORY NOTES

2008 Main Volume

Laws 2005, c. 199, § 8, substituted "24A.4" for "4" and "title" for "act".

LIBRARY REFERENCES

2009 Electronic Update

Records ⇐ 50.

Westlaw Topic No. 326.

C.J.S. Records §§ 93 to 96.

NOTES OF DECISIONS

Construction and application 1

1. Construction and application

Genuine issue of material fact as to whether a new record would be created by Oklahoma State Department of Health (OSDH) when deleting personal identifiers to make the requested records concerning nursing facility residents "not resident-identifiable, while preserving connections between records of the same individual," precluded summary judgment in declaratory judgment action brought against OSDH to compel disclosure of the records under Open Records Act. Progressive Independence, Inc. v. Oklahoma State Dept. of Health, Okla.Civ.App. Div. 3, 174 P.3d 1005 (2007). Judgment ⇐ 181(15.1)

51 Okl. St. Ann. § 24A.18, OK ST T. 51 § 24A.18

Current with chapters of the First Regular Session of the 52nd Legislature (2009) effective August 26, 2009.

(c) 2009 Thomson Reuters

END OF DOCUMENT

(c) 2009 Thomson Reuters. No Claim to Orig. US Gov. Works.