

1 **SENATE FLOOR VERSION**
2 February 25, 2025

3 COMMITTEE SUBSTITUTE
4 FOR
5 SENATE BILL NO. 535

By: Daniels of the Senate

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An Act relating to the Oklahoma Open Records Act; amending 51 O.S. 2021, Sections 24A.3, as last amended by Section 1, Chapter 358, O.S.L. 2024, and 24A.5, as last amended by Section 2, Chapter 116, O.S.L. 2024 (51 O.S. Supp. 2024, Sections 24A.3 and 24A.5), which relate to definitions and inspection and copying of records; modifying definition; authorizing public body to require advance payment for certain records requests; requiring return of portion of advance payment under certain circumstances; authorizing use of form for records requests; authorizing public body to request clarification for certain records requests; establishing requirements for specificity of records requests; allowing denial of records requests under certain circumstances; updating statutory references; updating statutory language; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 51 O.S. 2021, Section 24A.3, as

last amended by Section 1, Chapter 358, O.S.L. 2024 (51 O.S. Supp. 2024, Section 24A.3), is amended to read as follows:

1 Section 24A.3. As used in the Oklahoma Open Records Act:

2 1. "Record" means all documents including, but not limited to,

3 any book, paper, photograph, microfilm, data files created by or

4 used with computer software, computer tape, disk, record, sound

5 recording, film recording, video record or other material regardless

6 of physical form or characteristic, created by, received by, under

7 the authority of, or coming into the custody, control or possession

8 of public officials, public bodies or their representatives in

9 connection with the transaction of public business, the expenditure

10 of public funds or the administering of public property. Record

11 shall also mean applications and other documents related to

12 licensure matters that are filed of record in a district court,

13 including, but not limited to, marriage licenses, process server

14 licenses, closing out sale licenses, transient merchant licenses,

15 pool hall licenses, and bail bondsmen registration. Record does not

16 mean:

17 a. computer software, or

18 b. nongovernment personal effects;

19 2. "Public body" shall include, but not be limited to, any

20 office, department, board, bureau, commission, agency, trusteeship,

21 authority, council, committee, trust or any entity created by a

22 trust, county, city, village, town, township, district, school

23 district, fair board, court, executive office, advisory group, task

24 force, study group or any subdivision thereof, supported in whole or

1 in part by public funds or entrusted with the expenditure of public
2 funds or administering or operating public property, and all
3 committees, or subcommittees thereof. Except for the records
4 required by Section 24A.4 of this title, public body does not mean
5 judges, justices, the Council on Judicial Complaints, the
6 Legislature or legislators. Public body shall not include an
7 organization that is exempt from federal income tax under Section
8 501(c) (3) of the Internal Revenue Code of 1986, as amended, and
9 whose sole beneficiary is a college or university, or an affiliated
10 entity of the college or university, that is a member of The
11 Oklahoma State System of Higher Education. Such organization shall
12 not receive direct appropriations from the Legislature. The
13 following persons shall not be eligible to serve as a voting member
14 of the governing board of the organization:

- 15 a. a member, officer, or employee of the Oklahoma State
16 Regents for Higher Education,
- 17 b. a member of the board of regents or other governing
18 board of the college or university that is the sole
19 beneficiary of the organization, or
- 20 c. an officer or employee of the college or university
21 that is the sole beneficiary of the organization;

22 3. "Public office" means the physical location where public
23 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; state and local fire marshals when investigating potential violations of federal, state, or local criminal laws or when acting on behalf of a law enforcement agency; 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.

SECTION 2. AMENDATORY 51 O.S. 2021, Section 24A.5, as last amended by Section 2, Chapter 116, O.S.L. 2024 (51 O.S. Supp. 2024, Section 24A.5), is amended to read as follows:

Section 24A.5. 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.30~~
24A.34 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

- 1 product immunity from discovery and the identity of
2 informer privileges,
- 3 b. records of what transpired during meetings of a public
4 body lawfully closed to the public such as executive
5 sessions authorized under the Oklahoma Open Meeting
6 Act,
- 7 c. personal information within driver records as defined
8 by the Driver's Privacy Protection Act, 18 ~~United~~
9 ~~States Code U.S.C.~~, Sections 2721 through 2725,
- 10 d. information in the files of the Board of Medicolegal
11 Investigations obtained pursuant to Sections 940 and
12 941 of Title 63 of the Oklahoma Statutes that may be
13 hearsay, preliminary unsubstantiated investigation-
14 related findings, or confidential medical information,
- 15 e. any test forms, question banks and answer keys
16 developed for state licensure examinations, but
17 specifically excluding test preparation materials or
18 study guides,
- 19 f. last names, addresses, Social Security numbers or tax
20 identification numbers, and proof of identification
21 submitted to the Oklahoma Lottery Commission by
22 persons claiming a lottery prize,
- 23 g. unless public disclosure is required by other laws or
24 regulations, vehicle movement records of the Oklahoma

Transportation Authority obtained in connection with the Authority's electronic toll collection system,

- h. 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,
 - i. any digital audio/video recordings of the toll collection and safeguarding activities of the Oklahoma Transportation Authority,
 - j. any personal information provided by a guest at any facility owned or operated by the Oklahoma Tourism and Recreation Department to obtain any service at the facility or by a purchaser of a product sold by or through the Oklahoma Tourism and Recreation Department,
 - k. a United States Department of Defense Form 214 (DD Form 214) filed with a county clerk, including any DD Form 214 filed before July 1, 2002,
 - l. 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, or

(2) personal information within driver records, as defined by the Driver's Privacy Protection Act, 18 U.S.C., Sections 2721 through 2725, which are stored and maintained by the Department of Public Safety,

m. any portion of any document or information provided to an agency or entity of the state or a political subdivision to obtain licensure under the laws of this state or a political subdivision that contains an applicant's personal address, personal phone number, personal email address, any government-issued identification numbers, or other contact information; provided, however, lists of persons licensed, the existence of a license of a person, or a business or commercial address, or other business or commercial information disclosable under state law submitted with an application for licensure shall be public record, unless the business or commercial address is the same as the applicant's personal address, except when the applicant permits in writing the disclosure of the address,

1 n. an investigative file obtained during an investigation
2 conducted by the State Department of Health into
3 violations of the Long-Term Care Administrator
4 Licensing Act under Title 63 of the Oklahoma Statutes,
5 or
6 o. documents, evidence, materials, records, reports,
7 complaints, or other information in the possession or
8 control of the Attorney General or Insurance
9 Department pertaining to an evaluation, examination,
10 investigation, or review made pursuant to the
11 provisions of the Patient's Right to Pharmacy Choice
12 Act, the Pharmacy Audit Integrity Act, or Sections 357
13 through 360 of Title 59 of the Oklahoma Statutes, or
14 p. records sought by a party or the party's
15 representative to a pending civil litigation or
16 criminal prosecution in which the records may be
17 sought through a subpoena process;

18 2. All Social Security numbers included in a record may be
19 confidential regardless of the person's status as a public employee
20 or private individual and may be redacted or deleted prior to
21 release of the record by the public body;

22 3. Any reasonably segregable portion of a record containing
23 exempt material shall be provided after deletion of the exempt
24 portions; provided, however, the Department of Public Safety shall

1 not be required to assemble for the requesting person specific
2 information, in any format, from driving records relating to any
3 person whose name and date of birth or whose driver license number
4 is not furnished by the requesting person.

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

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

23 a. is solely for commercial purpose, or

18 Any public body establishing fees under ~~this act~~ the Oklahoma
19 Open Records Act shall post a written schedule of the fees at its
20 principal office and with the county clerk.

21 In no case shall a search fee be charged when the release of
22 records is in the public interest, including, but not limited to,
23 release to the news media, scholars, authors and taxpayers seeking
24 to determine whether those entrusted with the affairs of the

1 government are honestly, faithfully, and competently performing
2 their duties as public servants.

3 The fees shall not be used for the purpose of discouraging
4 requests for information or as obstacles to disclosure of requested
5 information;

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

12 6. A public body must provide prompt, reasonable access to its
13 records but may establish reasonable procedures which protect the
14 integrity and organization of its records and to prevent excessive
15 disruptions of its essential functions. A delay in providing access
16 to records shall be limited solely to the time required for
17 preparing the requested documents and the avoidance of excessive
18 disruptions of the public body's essential functions. In no event
19 may production of a current request for records be unreasonably
20 delayed until after completion of a prior records request that will
21 take substantially longer than the current request. Any public body
22 which makes the requested records available on the Internet shall
23 meet the obligation of providing prompt, reasonable access to its
24 records as required by this paragraph;

1 7. A public body may require a requestor to complete a records
2 request form. If a records request does not describe the requested
3 records with reasonable specificity, a public body may ask the
4 requestor to clarify the request. To have reasonable specificity, a
5 request shall:

- 6 a. specify a general time frame within which the
7 requested records would have been created or
8 transmitted,
- 9 b. seek identifiable records, rather than general
10 information without any qualifiers or other
11 specifications, and
- 12 c. include search terms that are sufficiently specific to
13 assist the public body in identifying the requested
14 records.

15 If a public body has engaged with the requestor to seek the
16 information needed to fulfill the request and to identify the
17 records sought by the requestor, including providing the requestor
18 with general topics or a specific list of records related to the
19 request, the request may be denied if it is still not reasonably
20 specific; and

21 7. 8. A public body shall designate certain persons who are
22 authorized to release records of the public body for inspection,
23 copying, or mechanical reproduction. At least one person shall be
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1 available at all times to release records during the regular
2 business hours of the public body.

3 SECTION 3. This act shall become effective November 1, 2025.

4 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
February 25, 2025 - DO PASS AS AMENDED BY CS

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