

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
4 SENATE BILL NO. 535

By: Daniels of the Senate

5 and

6 Pae of the House

7

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9 COMMITTEE SUBSTITUTE

10 An Act relating to the Oklahoma Open Records Act;  
11 amending 51 O.S. 2021, Sections 24A.3, as last  
12 amended by Section 1, Chapter 358, O.S.L. 2024, and  
24A.5, as last amended by Section 2, Chapter 116,  
13 O.S.L. 2024 (51 O.S. Supp. 2024, Sections 24A.3 and  
24A.5), which relate to definitions and inspection  
14 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  
15 requests; authorizing public body to request  
clarification for certain records requests;  
establishing requirements for specificity of records  
16 requests; allowing denial of records requests under  
certain circumstances; updating statutory references;  
17 updating statutory language; and providing an  
effective date.

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

22 SECTION 1. AMENDATORY 51 O.S. 2021, Section 24A.3, as  
23 last amended by Section 1, Chapter 358, O.S.L. 2024 (51 O.S. Supp.  
24 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;

24

1       4. "Public official" means any official or employee of any  
2 public body as defined herein; and

3       5. "Law enforcement agency" means any public body charged with  
4 enforcing state or local criminal laws and initiating criminal  
5 prosecutions including, but not limited to: police departments;  
6 state and local fire marshals when investigating potential  
7 violations of federal, state, or local criminal laws or when acting  
8 on behalf of a law enforcement agency; county sheriffs; the  
9 Department of Public Safety; the Oklahoma State Bureau of Narcotics  
10 and Dangerous Drugs Control; the Alcoholic Beverage Laws  
11 Enforcement Commission; and the Oklahoma State Bureau of  
12 Investigation.

13       SECTION 2.       AMENDATORY       51 O.S. 2021, Section 24A.5, as  
14 last amended by Section 2, Chapter 116, O.S.L. 2024 (51 O.S. Supp.  
15 2024, Section 24A.5), is amended to read as follows:

16       Section 24A.5. All records of public bodies and public  
17 officials shall be open to any person for inspection, copying, or  
18 mechanical reproduction during regular business hours; provided:

19       1. The Oklahoma Open Records Act, Sections 24A.1 through 24A.30  
20 24A.34 of this title, does not apply to records specifically  
21 required by law to be kept confidential including:

22           a. records protected by a state evidentiary privilege  
23                   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,
- c. personal information within driver records as defined  
by the Driver's Privacy Protection Act, 18 ~~United~~  
~~States Code U.S.C.~~, Sections 2721 through 2725,
- 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,
- e. any test forms, question banks and answer keys  
developed for state licensure examinations, but  
specifically excluding test preparation materials or  
study guides,
- f. last names, addresses, Social Security numbers or tax  
identification numbers, and proof of identification  
submitted to the Oklahoma Lottery Commission by  
persons claiming a lottery prize,
- g. 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,

- 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,

1. 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;

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

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

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

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

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

22 then the public body may charge a reasonable fee to recover the  
23 direct cost of record search and copying; however, publication in a  
24 newspaper or broadcast by news media for news purposes shall not

1 | constitute a resale or use of a record for trade or commercial  
2 | purpose and charges for providing copies of electronic data to the  
3 | news media for a news purpose shall not exceed the direct cost of  
4 | making the copy. The fee charged by the Department of Public Safety  
5 | for a copy in a computerized format of a record of the Department  
6 | shall not exceed the direct cost of making the copy unless the fee  
7 | for the record is otherwise set by law. A public body may require  
8 | advance payment of the estimated fees authorized under this section  
9 | when the estimated cost exceeds Seventy-five Dollars (\$75.00) or if  
10 | the requestor has outstanding fees from previous requests. Any  
11 | portion of an advance payment that exceeds the costs of responding  
12 | to the request shall be returned to the requestor.

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

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

22 | The fees shall not be used for the purpose of discouraging  
23 | requests for information or as obstacles to disclosure of requested  
24 | information;

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

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

20       7. A public body may require a requestor to complete a records  
21 request form. If a records request does not describe the requested  
22 records with reasonable specificity, a public body may ask the  
23 requestor to clarify the request. To have reasonable specificity, a  
24 request shall:

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

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

16          7. 8. A public body shall designate certain persons who are  
17         authorized to release records of the public body for inspection,  
18         copying, or mechanical reproduction. At least one person shall be  
19         available at all times to release records during the regular  
20         business hours of the public body.

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

23          60-1-13570           JBH           04/17/25

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