

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                   STATE OF OKLAHOMA

3                   1st Session of the 60th Legislature (2025)

4                   HOUSE BILL 2095

By: Menz

7                   AS INTRODUCED

8                   An Act relating to the Oklahoma Open Records Act;  
9                   amending 51 O.S. 2021, Section 24A.5, as last amended  
10                  by Section 2, Chapter 116, O.S.L. 2024 (51 O.S. Supp.  
11                  2024, Section 24A.5), which relates to the  
12                  inspection, copying, and mechanical reproduction of  
13                  records; modifying records response procedures; and  
14                  providing an effective date.

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

16                  SECTION 1.       AMENDATORY       51 O.S. 2021, Section 24A.5, as

17                  last amended by Section 2, Chapter 116, O.S.L. 2024 (51 O.S. Supp.  
18                  2024, Section 24A.5), is amended to read as follows:

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

22                  1. The Oklahoma Open Records Act, Sections 24A.1 through 24A.30  
23                  of this title, does not apply to records specifically required by  
24                  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,
  - c. personal information within driver records as defined by the Driver's Privacy Protection Act, 18 United States Code, 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,

- 1           g. unless public disclosure is required by other laws or  
2           regulations, vehicle movement records of the Oklahoma  
3           Transportation Authority obtained in connection with  
4           the Authority's electronic toll collection system,
- 5           h. personal financial information, credit reports, or  
6           other financial data obtained by or submitted to a  
7           public body for the purpose of evaluating credit  
8           worthiness, obtaining a license, permit, or for the  
9           purpose of becoming qualified to contract with a  
10          public body,
- 11          i. any digital audio/video recordings of the toll  
12          collection and safeguarding activities of the Oklahoma  
13          Transportation Authority,
- 14          j. any personal information provided by a guest at any  
15          facility owned or operated by the Oklahoma Tourism and  
16          Recreation Department to obtain any service at the  
17          facility or by a purchaser of a product sold by or  
18          through the Oklahoma Tourism and Recreation  
19          Department,
- 20          k. a Department of Defense Form 214 (DD Form 214) filed  
21          with a county clerk, including any DD Form 214 filed  
22          before July 1, 2002,
- 23          l. except as provided for in Section 2-110 of Title 47 of  
24          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

1                   applicant permits in writing the disclosure of the  
2                   address,

3                   n. an investigative file obtained during an investigation  
4                   conducted by the State Department of Health into  
5                   violations of the Long-Term Care Administrator  
6                   Licensing Act under Title 63 of the Oklahoma Statutes,  
7                   or

8                   o. documents, evidence, materials, records, reports,  
9                   complaints, or other information in the possession or  
10                  control of the Attorney General or Insurance  
11                  Department pertaining to an evaluation, examination,  
12                  investigation, or review made pursuant to the  
13                  provisions of the Patient's Right to Pharmacy Choice  
14                  Act, the Pharmacy Audit Integrity Act, or Sections 357  
15                  through 360 of Title 59 of the Oklahoma Statutes;

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

20                  3. Any reasonably segregable portion of a record containing  
21                  exempt material shall be provided after deletion of the exempt  
22                  portions; provided however, the Department of Public Safety shall  
23                  not be required to assemble for the requesting person specific  
24                  information, in any format, from driving records relating to any

1 person whose name and date of birth or whose driver license number  
2 is not furnished by the requesting person.

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

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

1 then the public body may charge a reasonable fee to recover the  
2 direct cost of record search and copying; however, publication in a  
3 newspaper or broadcast by news media for news purposes shall not  
4 constitute a resale or use of a record for trade or commercial  
5 purpose and charges for providing copies of electronic data to the  
6 news media for a news purpose shall not exceed the direct cost of  
7 making the copy. The fee charged by the Department of Public Safety  
8 for a copy in a computerized format of a record of the Department  
9 shall not exceed the direct cost of making the copy unless the fee  
10 for the record is otherwise set by law.

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

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

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

23 5. The land description tract index of all recorded instruments  
24 concerning real property required to be kept by the county clerk of

1 any county shall be available for inspection or copying in  
2 accordance with the provisions of the Oklahoma Open Records Act;  
3 provided, however, the index shall not be copied or mechanically  
4 reproduced for the purpose of sale of the information;

5       6. A public body must provide prompt, reasonable access to its  
6 records but may establish reasonable procedures which protect the  
7 integrity and organization of its records and to prevent excessive  
8 disruptions of its essential functions. A delay in providing access  
9 to records shall be limited solely to the time required for  
10 preparing the requested documents and the avoidance of excessive  
11 disruptions of the public body's essential functions. In no event  
12 may production of a current request for records be unreasonably  
13 delayed until after completion of a prior records request that will  
14 take substantially longer than the current request. Any public body  
15 which makes the requested records available on the Internet shall  
16 meet the obligation of providing prompt, reasonable access to its  
17 records as required by this paragraph. Public bodies shall respond  
18 to a records request within thirty (30) business days of receipt;  
19 and

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

1 SECTION 2. This act shall become effective November 1, 2025.

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3 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT OVERSIGHT, dated  
03/06/2025 - DO PASS.

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