

OKLAHOMA CITY - Gov. Mary Fallin's office released 130 pages of documents to the Tulsa World this week that include dozens of ways state agencies are providing more information to the public. Fallin solicited the examples of government transparency from her cabinet members following public criticism by FOI Oklahoma Inc. and others over her claim of "executive privilege" to withhold certain records. Her general counsel, Steve Mullins, has said Fallin has the privilege under state and federal law to withhold documents revealing "internal deliberations" between the governor and her top advisers. Alex Weintz, a spokesman for Fallin, said the governor asked for the examples of transparency from her 14 cabinet members "to publicly highlight areas where the executive branch is making data available to the public, producing accountability measures or otherwise allowing citizens to gain more information about state government."

"While some of these documents may be covered by executive privilege or deliberative privilege, the governor has waived those privileges and chosen to share them with the Tulsa World," Weintz said in an email. The records, released to the World on Tuesday, include dozens of examples of ways state agencies are making information available to the public. The emails cite an increasing amount of data and records placed on agency websites, as well as agencies holding town halls and other means of interacting with the public. A two-page spreadsheet included in the documents lists numerous data sets placed on two state websites: OpenBooks and data.ok.gov. The sites, instituted by former Gov. Brad Henry, have been expanded since Fallin took office. Both sites are maintained by the Office of Management and Enterprise Services, under the supervision of Finance Secretary Preston Doerflinger. The agency has placed 192 searchable databases of information related to state government online for the public to use. The sites include data on purchases by state agencies and state employees, state construction bidding documents, state bond debt and even state facility energy use. The OpenBooks site also has searchable data on companies or people delinquent on paying their state taxes and on recipients of state tax credits. Education Secretary Phyllis Hudecki states the Oklahoma State Regents for Higher Education's website includes a "net

price calculator" for every state institution to help students and parents predict actual college costs. Hudecki also states that the State Department of Education has posted letter grades for each school on its website. When the World requested email from the Education Department regarding development of the controversial letter grades for each school, the agency refused to provide the records in electronic format. The department assigned a staff member to watch a World reporter who was reviewing the thousands of pages of paper records.

The state Open Records Act includes "data files created by or used with computer software, computer tape, disk (or) record" in its definition of a record. A recent attorney general's opinion states that if jail mug shots exist in electronic format, public agencies are required to provide them that way if requested. Secretary of Environment Gary Sherrer states the Oklahoma Department of Wildlife Conservation has placed interactive water quality information on its website. It is also imaging records to "provide unprecedented access to current and archived agency records," Sherrer's report states. Michael Thompson, secretary of safety and security, cites a number of transparency examples among the law enforcement and public safety agencies he oversees: The Oklahoma Department of Emergency Management's report states it is developing "new mobile and online tools which will provide increased information to the public during both disaster and non-disaster times." The Oklahoma Bureau of Narcotics and Dangerous Drugs states it is "one of the most transparent agencies in state government." The agency cites information it posts on its Facebook page, as well as invitations to other law enforcement officials, lawmakers and members of the media to "ride along with OBNDD during warrant sweeps, marijuana missions and daily highway interdiction functions." The Department of Public Safety cites "interaction during town hall meetings" in which troopers provide safety information, driving tips and information about state laws to the public. A response was missing from one key cabinet member, Secretary of Health and Human Services Terry Cline. Weintz said all documents that were available were provided to the World. Some agencies came up with few or no examples of ways they had increased transparency. Maj. Gen. Myles Deering, secretary

of the military, writes: "There are currently no specific examples of increased government transparency efforts/initiatives for the Oklahoma Military Department. The vast majority of resources expended by the Oklahoma Military Department are federal resources, and we continue to maintain an open and transparent operation." The state Medical Examiner's Office may have failed to understand Fallin's request. Its response cites "consolidation with IT," as well as changing the lighting in the agency's Tulsa office and converting its fleet to CNG vehicles. The transparency examples were requested in an email by Fallin's deputy policy director, Andrew Silvestri. The email asks the cabinet members to bring "a comprehensive list of specific examples of increased government transparency efforts/initiatives for each of your agencies" to a Dec. 12 cabinet meeting. Criticism of Fallin had been mounting in the wake of her refusal to produce certain records. Fallin said her office was "working toward trying to find a resolution so that we can all be able to function and do our job." In an open letter to Fallin earlier this month, FOI Oklahoma Inc. criticized Fallin's assertion that she is allowed to decide which records involving her office are privileged. "Your office has claimed at least three times recently that executive branch privileges allow you to hide records from public view," states the letter from Lindel Hutson, president of the nonprofit watchdog group. "This is disappointing because conducting government in secrecy defies the state's Open Records Act and frustrates the ability of citizens to understand basic functions of state government." Gov. Mary Fallin's Cabinet Secretary of Agriculture: Jim Reese Secretary of Commerce: Dave Lopez Secretary of Education: Dr. Phyllis Hudecki Secretary of Energy: Michael Ming Secretary of Environment: Gary Sherrer Secretary of Finance: Preston Doerflinger Secretary of Health and Human Services: Dr. Terry Cline Chief Information Officer: Alex Pettit Secretary of the Military: Maj. Gen. Myles Deering Secretary of Safety and Security: Michael C. Thompson Secretary of Science and Technology: Dr. Stephen McKeever Secretary of State: Glenn Coffee (until Jan. 31) Secretary of Transportation: Gary Ridley Secretary of Veterans Affairs: Rita Aragon Ziva Branstetter 918-581-8306 ziva.branstetter@ok.gov

SUBHEAD: The governor had been under fire for claiming "executive privilege" to withhold certain

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