

1 ENGROSSED SENATE  
2 BILL NO. 285

By: Anderson of the Senate  
and  
Jackson of the House

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7 An Act relating to the Oklahoma Open Records Act;  
8 amending 51 O.S. 2001, Section 24A.10, as last  
9 amended by Section 1, Chapter 284, O.S.L. 2008 (51  
10 O.S. Supp. 2008, Section 24A.10), which relates to  
11 confidentiality of records; authorizing certain  
12 entities to keep specified information confidential;  
13 and providing an effective date.

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

15 SECTION 1. AMENDATORY 51 O.S. 2001, Section 24A.10, as  
16 last amended by Section 1, Chapter 284, O.S.L. 2008 (51 O.S. Supp.  
17 2008, Section 24A.10), is amended to read as follows:

18 Section 24A.10 A. Any information, records or other material  
19 heretofore voluntarily supplied to any state agency, board or  
20 commission which was not required to be considered by that agency,  
21 board or commission in the performance of its duties may, within  
22 thirty (30) days from June 6, 1988, be removed from the files of  
23 such agency, board or commission by the person or entity which  
24 originally voluntarily supplied such information. Provided, after  
thirty (30) days from the effective date of this act, any

1 information voluntarily supplied shall be subject to full disclosure  
2 pursuant to this act.

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

5 1. Bid specifications for competitive bidding prior to  
6 publication by the public body; or

7 2. Contents of sealed bids prior to the opening of bids by a  
8 public body; or

9 3. Computer programs or software but not data thereon; or

10 4. Appraisals relating to the sale or acquisition of real  
11 estate by a public body prior to award of a contract; or

12 5. The prospective location of a private business or industry  
13 prior to public disclosure of such prospect except for records  
14 otherwise open to inspection such as applications for permits or  
15 licenses.

16 C. Except as set forth hereafter, the Oklahoma Department of  
17 Commerce, the Oklahoma Department of Career and Technology Education  
18 and the technology center school districts may keep confidential:

19 1. Business plans, feasibility studies, financing proposals,  
20 marketing plans, financial statements or trade secrets submitted by  
21 a person or entity seeking economic advice from ~~the Oklahoma~~  
22 ~~Department of Commerce~~ such Departments or school districts; and

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1        2. Information compiled by ~~the Oklahoma Department of Commerce~~  
2 such Departments or school districts in response to those  
3 submissions.

4        The Oklahoma Department of Commerce, the Oklahoma Department of  
5 Career and Technology Education and the technology center school  
6 districts may not keep confidential that submitted information when  
7 and to the extent the person or entity submitting the information  
8 consents to disclosure.

9        D. Although they must provide public access to their records,  
10 including records of the address, rate paid for services, charges,  
11 consumption rates, adjustments to the bill, reasons for adjustment,  
12 the name of the person that authorized the adjustment, and payment  
13 for each customer, public bodies that provide utility services to  
14 the public may keep confidential credit information, credit card  
15 numbers, telephone numbers, social security numbers, bank account  
16 information for individual customers, and utility supply and utility  
17 equipment supply contracts for any industrial customer with a  
18 connected electric load in excess of two thousand five hundred  
19 (2,500) kilowatts if public access to such contracts would give an  
20 unfair advantage to competitors of the customer; provided that,  
21 where a public body performs billing or collection services for a  
22 utility regulated by the Corporation Commission pursuant to a  
23 contractual agreement, any customer or individual payment data

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1 obtained or created by the public body in performance of the  
2 agreement shall not be a record for purposes of this act.

3 SECTION 2. This act shall become effective November 1, 2009.

4 Passed the Senate the 19th day of February, 2009.

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Presiding Officer of the Senate

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8 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
9 2009.

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Presiding Officer of the House  
of Representatives

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