

ENROLLED SENATE
BILL NO. 585

By: Ford and Stanislawski of
the Senate

and

Coody of the House

An Act relating to open records; amending Section 2, Chapter 175, O.S.L. 2003, as amended by Section 1, Chapter 399, O.S.L. 2005 (51 O.S. Supp. 2008, Section 24A.28), which relates to confidential information exceptions; updating statutory outline; allowing certain public educational institutions to keep campus security plans confidential; allowing the discretionary release of information for certain purposes; providing for the release of certain higher education campus statistics and policies as required by certain law; defining certain term; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 2, Chapter 175, O.S.L. 2003, as amended by Section 1, Chapter 399, O.S.L. 2005 (51 O.S. Supp. 2008, Section 24A.28), is amended to read as follows:

Section 24A.28 A. The following information may be kept confidential:

~~A.~~ 1. Investigative evidence of a plan or scheme to commit an act of terrorism;

~~B.~~ 2. Assessments of the vulnerability of government facilities or public improvements to an act of terrorism and work papers directly related to preparing the assessment of vulnerability;

~~C.~~ 3. Records including details for deterrence or prevention of or protection from an act or threat of an act of terrorism;

~~D.~~ 4. Records including details for response or remediation after an act of terrorism;

~~E.~~ 5. Information technology of a public body or public official but only if the information specifically identifies:

~~1.~~ Design

a. design or functional schematics that demonstrate the relationship or connections between devices or systems~~†, 1~~

~~2.~~ System

b. system configuration information~~†, 1~~

~~3.~~ Security

c. security monitoring and response equipment placement and configuration~~†, 1~~

~~4.~~ Specific

d. specific location or placement of systems, components or devices~~†, 1~~

~~5.~~ System

e. system identification numbers, names, or connecting circuits~~†, 1~~

~~6.~~ Business

f. business continuity and disaster planning, or response plans~~†, 1~~ or

~~7.~~ Investigative

g. investigative information directly related to security penetrations or denial of services; ~~or~~

~~F.~~ 6. Investigation evidence of an act of terrorism that has already been committed~~;~~i

~~G.~~ 7. Records received, maintained or generated by the Oklahoma Office of Homeland Security which include confidential private business information or an individual's private records~~;~~ and

~~H.~~ 8. Records received by the Oklahoma Office of Homeland Security from the United States Department of Homeland Security or records maintained or generated by the Oklahoma Office of Homeland Security involving the United States Department of Homeland Security.

~~I.~~ B. The following information shall not be kept confidential:

1. Records related to federal grants administered by the Oklahoma Office of Homeland Security;

2. Records related to the receipt and expenditure of public funds; or

3. Records related to the financial performance or financial administration of the Oklahoma Office of Homeland Security.

~~J.~~ C. For the purposes of this section, the term "terrorism" means any act encompassed by the definitions set forth in Section 1268.1 of Title 21 of the Oklahoma Statutes.

D. 1. Public educational institutions may keep confidential campus security plans. An institution or agency may in its discretion release information contained in or related to the campus security plan in order to design or implement the plan.

2. Nothing in this subsection shall preclude an institution or agency within The Oklahoma State System of Higher Education from collecting and releasing information relating to campus crime

statistics and campus security policies as is required pursuant to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. 1092(f).

3. For purposes of this subsection, "campus security plan" shall include, but is not limited to, prevention and response procedures to and notification procedures for perceived or actual security threats and incidents on or impacting the campus.

SECTION 2. This act shall become effective July 1, 2009.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 4th day of May, 2009.

Presiding Officer of the Senate

Passed the House of Representatives the 1st day of April, 2009.

Presiding Officer of the House
of Representatives