

SB 990

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THE STATE SENATE
Monday, February 23, 2009

Senate Bill No. 990
As Amended

SENATE BILL NO. 990 - By: Laster of the Senate and Steele of the House.

[Open Records Act - inspection of records - effective date]

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

SECTION 1. AMENDATORY 51 O.S. 2001, Section 24A.5, as last amended by Section 34, Chapter 16, O.S.L. 2006 (51 O.S. Supp. 2008, Section 24A.5), is amended to read as follows:

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

1. The Oklahoma Open Records Act, ~~Sections 24A.1 through 24A.28 of this title,~~ does not apply to records specifically required by 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

1 sessions authorized under the Oklahoma Open Meeting
2 Act, Section 301 et seq. of Title 25 of the Oklahoma
3 Statutes,
4 c. personal information within driver records as defined
5 by the Driver's Privacy Protection Act, 18 United
6 States Code, Sections 2721 through 2725, or
7 d. information in the files of the Board of Medicolegal
8 Investigations obtained pursuant to Sections 940 and
9 941 of Title 63 of the Oklahoma Statutes that may be
10 hearsay, preliminary unsubstantiated investigation-
11 related findings, or confidential medical information.

12 2. Any reasonably segregable portion of a record containing
13 exempt material shall be provided after deletion of the exempt
14 portions; provided however, the Department of Public Safety shall
15 not be required to assemble for the requesting person specific
16 information, in any format, from driving records relating to any
17 person whose name and date of birth or whose driver license number
18 is not furnished by the requesting person.
19 The Oklahoma State Bureau of Investigation shall not be required to
20 assemble for the requesting person any criminal history records
21 relating to persons whose names, dates of birth, and other
22 identifying information required by the Oklahoma State Bureau of

1 Investigation pursuant to administrative rule are not furnished by
2 the requesting person.

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

- 15 a. is solely for commercial purpose, or
 - 16 b. would clearly cause excessive disruption of the
17 essential functions of the public body,
- 18 then the public body may charge a reasonable fee to recover the
19 direct cost of record search and copying; however, publication in a
20 newspaper or broadcast by news media for news purposes shall not
21 constitute a resale or use of a record for trade or commercial
22 purpose and charges for providing copies of electronic data to the
23 news media for a news purpose shall not exceed the direct cost of

1 making the copy. The fee charged by the Department of Public Safety
2 for a copy in a computerized format of a record of the Department
3 shall not exceed the direct cost of making the copy unless the fee
4 for the record is otherwise set by law.

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

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

14 The fees shall not be used for the purpose of discouraging
15 requests for information or as obstacles to disclosure of requested
16 information.

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

1 5. A public body must provide prompt, reasonable access to its
2 records but may establish reasonable procedures which protect the
3 integrity and organization of its records and to prevent excessive
4 disruptions of its essential functions.

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

10 7. Notwithstanding any other provision of law, any document
11 that is made available for public inspection through online access
12 shall have any social security number or driver license number
13 blocked from the document before being made available to the public
14 electronically.

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

16 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-10-09 - DO
17 PASS, As Amended and Coauthored.