

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 3163

By: Kern

4
5 AS INTRODUCED

6 An Act relating to officers; creating the Oklahoma
7 Right to Know Act; requiring public body to disclose
8 certain information; requiring purpose for retaining
9 certain information; providing for opt-out procedure;
10 providing for compliance with the Oklahoma Open
Records Act; providing exceptions; defining terms;
11 providing for codification; and providing an
12 effective date.

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

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 24A.30 of Title 51, unless there
16 is created a duplication in numbering, reads as follows:

17 A. This act shall be known and may be cited as the "Oklahoma
18 Right to Know Act".

19 B. Any public body having personally identifiable information
20 pertaining to any citizen residing in the state shall disclose the
21 information to the citizen upon written request by the citizen and
22 proof of identification within thirty (30) days from the date of the
23 written request.
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1 C. Any public body having personally identifiable information,
2 regardless of physical form or characteristic, created by, received
3 by, under authority of, or entering into the custody, control or
4 possession of a public official, pertaining to any child under the
5 age of eighteen (18) residing in this state shall disclose the
6 information to the parent or legal guardian of the child upon
7 written request and proof of identification by the parent or legal
8 guardian within thirty (30) days from the date of the written
9 request.

10 D. No public body or private organization partnering with a
11 public body in this state shall disclose, transfer, or sell
12 personally identifiable information of a child under the age of
13 eighteen (18) to another public body or private organization without
14 first obtaining written permission from the parent or legal guardian
15 of the child.

16 E. Any public body having personally identifiable information
17 on a resident of the state making a request for information shall
18 disclose:

- 19 1. The purpose for retaining the information; and
- 20 2. Other public bodies or private third parties with which the
21 petitioned agency shared or intends to share the information.

22 F. Any public body moving to collect personally identifiable
23 information on a resident of this state shall provide an opportunity
24 for the resident to opt out of the disclosure, transfer, or sale of

1 personally identifiable information to another state or federal
2 public body or to a private third party.

3 G. Nothing in this section shall override or undermine the
4 purpose and scope of the Oklahoma Open Records Act or apply to any
5 criminal or terrorism investigation.

6 H. For purposes of this section, "public body" shall be defined
7 pursuant to Section 24A.3 of Title 51 of the Oklahoma Statutes, and
8 "personally identifiable information" means information that
9 identifies an individual, including but not limited to, an
10 individual's photograph, social security number, driver license
11 number, name, address, telephone number, medical or disability
12 information, date of birth, birth certificate data, passport
13 information, computerized photo or image, fingerprints, palm prints,
14 biometric sample, voice data, iris recognition data, retinal scans,
15 behavior characteristics of a handwritten signature,
16 deoxyribonucleic acid (DNA), and ribonucleic acid (RNA).
17 "Personally identifiable information" does not include information
18 on vehicular accidents, driving violations, and driver's status.

19 SECTION 2. This act shall become effective November 1, 2010.

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21 52-2-9508 LRB 01/13/10

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