

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 203

By: Burrage

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5  
6 AS INTRODUCED

7 An Act relating to disclosure of records; amending 51  
8 O.S. 2001, Section 24A.10, as last amended by Section  
9 1, Chapter 161, O.S.L. 2010 (51 O.S. Supp. 2010,  
10 Section 24A.10), which relates to records providing  
unfair competitive advantage; adding entities  
permitted to keep certain information confidential;  
and providing an effective date.

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

14 SECTION 1. AMENDATORY 51 O.S. 2001, Section 24A.10, as  
15 last amended by Section 1, Chapter 161, O.S.L. 2010 (51 O.S. Supp.  
16 2010, Section 24A.10), is amended to read as follows:

17 Section 24A.10. A. Any information, records or other material  
18 heretofore voluntarily supplied to any state agency, board or  
19 commission which was not required to be considered by that agency,  
20 board or commission in the performance of its duties may, within  
21 thirty (30) days from June 6, 1988, be removed from the files of  
22 such agency, board or commission by the person or entity which  
23 originally voluntarily supplied such information. Provided, after  
24 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  
18 Education, the technology center school districts, the Oklahoma  
19 State Regents for Higher Education and the state system of colleges  
20 and universities, and the Oklahoma Film and Music Office may keep  
21 confidential:

22 1. Business plans, feasibility studies, financing proposals,  
23 marketing plans, financial statements or trade secrets submitted by  
24 a person or entity seeking economic advice, business development or

1 customized training from such Departments ~~or~~, school districts,  
2 Regents or colleges and universities;

3 2. Proprietary information of the business submitted to the  
4 Department ~~or~~, school districts, Regents or colleges and  
5 universities for the purpose of business development or customized  
6 training, and related confidentiality agreements detailing the  
7 information or records designated as confidential; and

8 3. Information compiled by such Departments, ~~or~~ school  
9 districts, Regents or colleges and universities in response to those  
10 submissions.

11 The Oklahoma Department of Commerce, the Oklahoma Department of  
12 Career and Technology Education, the technology center school  
13 districts, the Oklahoma State Regents for Higher Education and the  
14 state system of colleges and universities, and the Oklahoma Film and  
15 Music Office may not keep confidential that submitted information  
16 when and to the extent the person or entity submitting the  
17 information consents to disclosure.

18 D. Although they must provide public access to their records,  
19 including records of the address, rate paid for services, charges,  
20 consumption rates, adjustments to the bill, reasons for adjustment,  
21 the name of the person that authorized the adjustment, and payment  
22 for each customer, public bodies that provide utility services to  
23 the public may keep confidential credit information, credit card  
24 numbers, telephone numbers, social security numbers, bank account

1 information for individual customers, and utility supply and utility  
2 equipment supply contracts for any industrial customer with a  
3 connected electric load in excess of two thousand five hundred  
4 (2,500) kilowatts if public access to such contracts would give an  
5 unfair advantage to competitors of the customer; provided that,  
6 where a public body performs billing or collection services for a  
7 utility regulated by the Corporation Commission pursuant to a  
8 contractual agreement, any customer or individual payment data  
9 obtained or created by the public body in performance of the  
10 agreement shall not be a record for purposes of this act.

11 SECTION 2. This act shall become effective November 1, 2011.

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