

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3040

By: West (Tammy), **Osburn, May**
and **Mize** of the House

7
8 and

9 **Stanley** of the Senate
10

11 COMMITTEE SUBSTITUTE

12 An Act relating to open records; amending 51 O.S.
13 2011, Section 24A.7, as amended by Section 1, Chapter
14 130, O.S.L. 2014 (51 O.S. Supp. 2019, Section 24A.7),
15 which relates to personnel records; exempting certain
16 personal information of public employees from
17 mandatory disclosure; and providing an effective
18 date.

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

19 SECTION 1. AMENDATORY 51 O.S. 2011, Section 24A.7, as
20 amended by Section 1, Chapter 130, O.S.L. 2014 (51 O.S. Supp. 2019,
21 Section 24A.7), is amended to read as follows:

22 Section 24A.7 A. A public body may keep personnel records
23 confidential:
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1 1. Which relate to internal personnel investigations including
2 examination and selection material for employment, hiring,
3 appointment, promotion, demotion, discipline, or resignation; or

4 2. Where disclosure would constitute a clearly unwarranted
5 invasion of personal privacy such as employee evaluations, payroll
6 deductions, employment applications submitted by persons not hired
7 by the public body, and transcripts from institutions of higher
8 education maintained in the personnel files of certified public
9 school employees; provided, however, that nothing in this subsection
10 shall be construed to exempt from disclosure the degree obtained and
11 the curriculum on the transcripts of certified public school
12 employees.

13 B. All personnel records not specifically falling within the
14 exceptions provided in subsection A or D of this section shall be
15 available for public inspection and copying including, but not
16 limited to, records of:

17 1. An employment application of a person who becomes a public
18 official;

19 2. The gross receipts of public funds;

20 3. The dates of employment, title or position; and

21 4. Any final disciplinary action resulting in loss of pay,
22 suspension, demotion of position, or termination.
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1 C. Except as may otherwise be made confidential by statute, an
2 employee of a public body shall have a right of access to his or her
3 own personnel file.

4 D. ~~Public bodies shall keep confidential the~~ The home address,
5 addresses, home telephone numbers and social security, Social
6 Security numbers of any person employed or formerly employed by the
7 public body, private email addresses, and private mobile phone
8 numbers of current and former public employees shall not be open to
9 public inspection or disclosure; provided, however, that nothing in
10 this subsection shall be construed to exempt from disclosure public
11 records created using a private email address or private mobile
12 phone.

13 E. Except as otherwise required by Section 6-101.16 of Title 70
14 of the Oklahoma Statutes, public bodies shall keep confidential all
15 records created pursuant to the Oklahoma Teacher and Leader
16 Effectiveness Evaluation System (TLE) which identify a current or
17 former public employee and contain any evaluation, observation or
18 other TLE record of such employee.

19 SECTION 2. This act shall become effective November 1, 2020.
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21 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT EFFICIENCY, dated
22 02/12/2020 - DO PASS, As Amended and Coauthored.
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