

1 ENGROSSED SENATE  
2 BILL NO. 970

By: Floyd of the Senate

3 and

4 Boles of the House

5  
6 An Act relating to the Oklahoma Open Records Act;  
7 amending 51 O.S. 2011, Sections 24A.3, as amended by  
8 Section 2, Chapter 266, O.S.L. 2014, 24A.7, as  
9 amended by Section 1, Chapter 130, O.S.L. 2014 and  
10 24A.10, as last amended by Section 1, Chapter 197,  
11 O.S.L. 2018 (51 O.S. Supp. 2020, Sections 24A.3,  
12 24A.7 and 24A.10), which relate to definitions,  
13 personnel records and voluntarily supplied  
14 information; modifying definition; allowing  
15 confidentiality of personnel records at the sole  
16 discretion of public body; requiring confidentiality  
17 for certain voluntarily provided information;  
18 updating statutory reference; and providing an  
19 effective date.

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

21 SECTION 1. AMENDATORY 51 O.S. 2011, Section 24A.3, as  
22 amended by Section 2, Chapter 266, O.S.L. 2014 (51 O.S. Supp. 2020,  
23 Section 24A.3), is amended to read as follows:

24 Section 24A.3. As used in the Oklahoma Open Records Act:

1. "Record" means all documents, including, but not limited to,  
any book, paper, photograph, microfilm, data files created by or  
used with computer software, computer tape, disk, record, sound  
recording, film recording, video record or other material regardless  
of physical form or characteristic, created by, received by, under

1 the authority of, or coming into the custody, control or possession  
2 of public officials, public bodies, or their representatives in  
3 connection with the transaction of public business, the expenditure  
4 of public funds or the administering of public property. "Record"  
5 does not mean:

- 6 a. computer software,
- 7 b. nongovernment personal effects,
- 8 c. unless public disclosure is required by other laws or  
9 regulations, vehicle movement records of the Oklahoma  
10 Transportation Authority obtained in connection with  
11 the Authority's electronic toll collection system,
- 12 d. personal financial information, credit reports or  
13 other financial data obtained by or submitted to a  
14 public body for the purpose of evaluating credit  
15 worthiness, obtaining a license, permit, or for the  
16 purpose of becoming qualified to contract with a  
17 public body,
- 18 e. any digital audio/video recordings of the toll  
19 collection and safeguarding activities of the Oklahoma  
20 Transportation Authority,
- 21 f. any personal information provided by a guest at any  
22 facility owned or operated by the Oklahoma Tourism and  
23 Recreation Department or the Board of Trustees of the  
24 Quartz Mountain Arts and Conference Center and Nature

- 1 Park to obtain any service at the facility or by a  
2 purchaser of a product sold by or through the Oklahoma  
3 Tourism and Recreation Department or the Quartz  
4 Mountain Arts and Conference Center and Nature Park,
- 5 g. a Department of Defense Form 214 (DD Form 214) filed  
6 with a county clerk, including any DD Form 214 filed  
7 before July 1, 2002, ~~or~~
- 8 h. except as provided for in Section 2-110 of Title 47 of  
9 the Oklahoma Statutes,
- 10 (1) any record in connection with a Motor Vehicle  
11 Report issued by the Department of Public Safety,  
12 as prescribed in Section 6-117 of Title 47 of the  
13 Oklahoma Statutes, or
- 14 (2) personal information within driver records, as  
15 defined by the Driver's Privacy Protection Act,  
16 18 United States Code, Sections 2721 through  
17 2725, which are stored and maintained by the  
18 Department of Public Safety, or
- 19 i. any portion of any document or information provided to  
20 a state agency or entity to obtain licensure under the  
21 laws of this state or a political subdivision that  
22 contains an applicant's personal address, phone  
23 number, electronic mail address or other contact  
24 information;

1        2. "Public body" shall include, but not be limited to, any  
2 office, department, board, bureau, commission, agency, trusteeship,  
3 authority, council, committee, trust or any entity created by a  
4 trust, county, city, village, town, township, district, school  
5 district, fair board, court, executive office, advisory group, task  
6 force, study group, or any subdivision thereof, supported in whole  
7 or in part by public funds or entrusted with the expenditure of  
8 public funds or administering or operating public property, and all  
9 committees, or subcommittees thereof. Except for the records  
10 required by Section 24A.4 of this title, "public body" does not mean  
11 judges, justices, the Council on Judicial Complaints, the  
12 Legislature, or legislators;

13        3. "Public office" means the physical location where public  
14 bodies conduct business or keep records;

15        4. "Public official" means any official or employee of any  
16 public body as defined herein; and

17        5. "Law enforcement agency" means any public body charged with  
18 enforcing state or local criminal laws and initiating criminal  
19 prosecutions, including, but not limited to, police departments,  
20 county sheriffs, the Department of Public Safety, the Oklahoma State  
21 Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic  
22 Beverage Laws Enforcement Commission, and the Oklahoma State Bureau  
23 of Investigation.  
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1       SECTION 2.       AMENDATORY       51 O.S. 2011, Section 24A.7, as  
2 amended by Section 1, Chapter 130, O.S.L. 2014 (51 O.S. Supp. 2020,  
3 Section 24A.7), is amended to read as follows:

4       Section 24A.7.   A.   ~~A~~ At the sole discretion of the public body,  
5 a public body may keep personnel records confidential:

6       1.   Which relate to internal personnel investigations including  
7 examination and selection material for employment, hiring,  
8 appointment, promotion, demotion, discipline~~r~~ or resignation; or

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

18       B.   All personnel records not specifically falling within the  
19 exceptions provided in subsection A of this section shall be  
20 available for public inspection and copying including, but not  
21 limited to, records of:

22       1.   An employment application of a person who becomes a public  
23 official;

24       2.   The gross receipts of public funds;

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

2        4. Any final disciplinary action resulting in loss of pay,  
3 suspension, demotion of position<sup>7</sup> or termination.

4        C. Except as may otherwise be made confidential by statute, an  
5 employee of a public body shall have a right of access to his own  
6 personnel file.

7        D. Public bodies shall keep confidential the home address,  
8 telephone numbers and social security numbers of any person employed  
9 or formerly employed by the public body.

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

16       SECTION 3.        AMENDATORY        51 O.S. 2011, Section 24A.10, as  
17 last amended by Section 1, Chapter 197, O.S.L. 2018 (51 O.S. Supp.  
18 2020, Section 24A.10), is amended to read as follows:

19       Section 24A.10. A. Any information, records or other material  
20 heretofore voluntarily supplied to any state agency, board or  
21 commission shall be subject to full disclosure pursuant to Section  
22 24A.1 et seq. of this title.

23       B. If disclosure would give an unfair advantage to competitors  
24 or bidders, a public body may keep confidential records relating to:

- 1        1. Bid specifications for competitive bidding prior to  
2 publication by the public body; ~~or~~
- 3        2. Contents of sealed bids prior to the opening of bids by a  
4 public body; ~~or~~
- 5        3. Computer programs or software but not data thereon; ~~or~~
- 6        4. Appraisals relating to the sale or acquisition of real  
7 estate by a public body prior to award of a contract; or
- 8        5. The prospective location of a private business or industry  
9 prior to public disclosure of such prospect except for records  
10 otherwise open to inspection such as applications for permits or  
11 licenses.

12        C. Except as set forth hereafter, the Oklahoma Department of  
13 Commerce, the Oklahoma Department of Career and Technology  
14 Education, the technology center school districts, the Oklahoma Film  
15 and Music Office, institutions within the Oklahoma State System of  
16 Higher Education, and the Department of Corrections may keep  
17 confidential:

- 18        1. Business plans, feasibility studies, financing proposals,  
19 marketing plans, financial statements or trade secrets submitted by  
20 a person or entity seeking economic advice, business development or  
21 customized training from such Departments or school districts;
- 22        2. Proprietary information of the business submitted to the  
23 Department or school districts for the purpose of business  
24 development or customized training, and related confidentiality

1 agreements detailing the information or records designated as  
2 confidential; and

3 3. Information compiled by such Departments or school districts  
4 in response to those submissions.

5 The Oklahoma Department of Commerce, the Oklahoma Department of  
6 Career and Technology Education, the technology center school  
7 districts, the Oklahoma Film and Music Office, institutions within  
8 the Oklahoma State System of Higher Education, and the Department of  
9 Corrections may not keep confidential that submitted information  
10 when and to the extent the person or entity submitting the  
11 information consents to disclosure.

12 D. Although they must provide public access to their records,  
13 including records of the address, rate paid for services, charges,  
14 consumption rates, adjustments to the bill, reasons for adjustment,  
15 the name of the person that authorized the adjustment, and payment  
16 for each customer, public bodies that provide utility services to  
17 the public ~~may~~ shall keep confidential and shall redact from any  
18 record, personal email addresses, credit information, credit card  
19 numbers, telephone numbers, social security numbers, bank account  
20 information for individual customers, and any portion of any record  
21 that contains the name or any other identifier of the occupants of  
22 any residential structure. Public bodies that provide utility  
23 services to the public may keep confidential utility supply and  
24 utility equipment supply contracts for any industrial customer with



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

10 SECTION 4. This act shall become effective November 1, 2021.

11 Passed the Senate the 1st day of March, 2021.

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13 \_\_\_\_\_  
14 Presiding Officer of the Senate

15 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
16 2021.

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18 \_\_\_\_\_  
19 Presiding Officer of the House  
20 of Representatives  
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