

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1452

By: Floyd of the Senate

and

Bush of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to the Oklahoma Open Records Act;
12 amending 51 O.S. 2021, Sections 24A.3 and 24A.10,
13 which relate to definitions and voluntarily supplied
14 information; modifying definitions; requiring
15 confidentiality for certain voluntarily provided
16 information; updating statutory reference; and
17 providing an effective date.

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

19 SECTION 1. AMENDATORY 51 O.S. 2021, Section 24A.3, is
20 amended to read as follows:

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

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

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

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

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

1 personal electronic mail address, or other contact
2 information. Provided, however, lists of persons
3 licensed, the existence of a license of a person, or
4 an address expressly stated to be a business or
5 commercial address, or other business or commercial
6 information disclosable under state law submitted with
7 an application for licensure shall be public records;

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

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

22 4. "Public official" means any official or employee of any
23 public body as defined herein; and
24

1 5. "Law enforcement agency" means any public body charged with
2 enforcing state or local criminal laws and initiating criminal
3 prosecutions, including, but not limited to, police departments,
4 county sheriffs, the Department of Public Safety, the Oklahoma State
5 Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic
6 Beverage Laws Enforcement Commission, and the Oklahoma State Bureau
7 of Investigation.

8 SECTION 2. AMENDATORY 51 O.S. 2021, Section 24A.10, is
9 amended to read as follows:

10 Section 24A.10 A. Any information, records or other material
11 heretofore voluntarily supplied to any state agency, board or
12 commission shall be subject to full disclosure pursuant to Section
13 24A.1 et seq. of this title.

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

16 1. Bid specifications for competitive bidding prior to
17 publication by the public body; ~~or~~

18 2. Contents of sealed bids prior to the opening of bids by a
19 public body; ~~or~~

20 3. Computer programs or software but not data thereon; ~~or~~

21 4. Appraisals relating to the sale or acquisition of real
22 estate by a public body prior to award of a contract; or

23 5. The prospective location of a private business or industry
24 prior to public disclosure of such prospect except for records

1 otherwise open to inspection such as applications for permits or
2 licenses.

3 C. Except as set forth hereafter, the Oklahoma Department of
4 Commerce, the Oklahoma Department of Career and Technology
5 Education, the technology center school districts, the Oklahoma Film
6 and Music Office, institutions within the Oklahoma State System of
7 Higher Education, and the Department of Corrections may keep
8 confidential:

9 1. Business plans, feasibility studies, financing proposals,
10 marketing plans, financial statements or trade secrets submitted by
11 a person or entity seeking economic advice, business development or
12 customized training from such Departments or school districts;

13 2. Proprietary information of the business submitted to the
14 Department or school districts for the purpose of business
15 development or customized training, and related confidentiality
16 agreements detailing the information or records designated as
17 confidential; and

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

20 The Oklahoma Department of Commerce, the Oklahoma Department of
21 Career and Technology Education, the technology center school
22 districts, the Oklahoma Film and Music Office, institutions within
23 the Oklahoma State System of Higher Education, and the Department of
24 Corrections may not keep confidential that submitted information

1 when and to the extent the person or entity submitting the
2 information consents to disclosure.

3 D. Although they must provide public access to their records,
4 including records of the address, rate paid for services, charges,
5 consumption rates, adjustments to the bill, reasons for adjustment,
6 the name of the person that authorized the adjustment, and payment
7 for each customer, public bodies that provide utility services to
8 the public ~~may~~ shall keep confidential and shall redact from any
9 record, personal electronic mail addresses, credit information,
10 credit card numbers, telephone numbers, social security numbers,
11 bank account information for individual customers, and any portion
12 of any record that contains the name or any other identifier of the
13 occupants of any residential structure. Public bodies that provide
14 utility services to the public may keep confidential utility supply
15 and utility equipment supply contracts for any industrial customer
16 with a connected electric load in excess of two thousand five
17 hundred (2,500) kilowatts if public access to such contracts would
18 give an unfair advantage to competitors of the customer; provided
19 that, where a public body performs billing or collection services
20 for a utility regulated by the Corporation Commission pursuant to a
21 contractual agreement, any customer or individual payment data
22 obtained or created by the public body in performance of the
23 agreement shall not be a record for purposes of ~~this act~~ the
24 Oklahoma Open Records Act.

SECTION 3. This act shall become effective November 1, 2022.

COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated
04/07/2022 - DO PASS, As Amended.