

1 **SENATE FLOOR VERSION**

2 February 15, 2022

3 SENATE BILL NO. 1452

By: Floyd

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5
6 An Act relating to the Oklahoma Open Records Act;
7 amending 51 O.S. 2021, Sections 24A.3 and 24A.10,
8 which relate to definitions and voluntarily supplied
9 information; modifying definitions; requiring
10 confidentiality for certain voluntarily provided
11 information; updating statutory reference; and
12 providing an effective date.

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

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

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

17 1. "Record" means all documents, including, but not limited to,
18 any book, paper, photograph, microfilm, data files created by or
19 used with computer software, computer tape, disk, record, sound
20 recording, film recording, video record or other material regardless
21 of physical form or characteristic, created by, received by, under
22 the authority of, or coming into the custody, control or possession
23 of public officials, public bodies, or their representatives in
24 connection with the transaction of public business, the expenditure

1 of public funds or the administering of public property. "Record"
2 does not mean:

3 a. computer software,

4 b. nongovernment personal effects,

5 c. unless public disclosure is required by other laws or
6 regulations, vehicle movement records of the Oklahoma
7 Transportation Authority obtained in connection with
8 the Authority's electronic toll collection system,

9 d. personal financial information, credit reports or
10 other financial data obtained by or submitted to a
11 public body for the purpose of evaluating credit
12 worthiness, obtaining a license, permit, or for the
13 purpose of becoming qualified to contract with a
14 public body,

15 e. any digital audio/video recordings of the toll
16 collection and safeguarding activities of the Oklahoma
17 Transportation Authority,

18 f. any personal information provided by a guest at any
19 facility owned or operated by the Oklahoma Tourism and
20 Recreation Department ~~or the Board of Trustees of the~~
21 ~~Quartz Mountain Arts and Conference Center and Nature~~
22 ~~Park~~ to obtain any service at the facility or by a
23 purchaser of a product sold by or through the Oklahoma
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1 Tourism and Recreation Department ~~or the Quartz~~
2 ~~Mountain Arts and Conference Center and Nature Park,~~

3 g. a Department of Defense Form 214 (DD Form 214) filed
4 with a county clerk, including any DD Form 214 filed
5 before July 1, 2002, ~~or~~

6 h. except as provided for in Section 2-110 of Title 47 of
7 the Oklahoma Statutes,

8 (1) any record in connection with a Motor Vehicle
9 Report issued by the Department of Public Safety,
10 as prescribed in Section 6-117 of Title 47 of the
11 Oklahoma Statutes, or

12 (2) personal information within driver records, as
13 defined by the Driver's Privacy Protection Act,
14 18 United States Code, Sections 2721 through
15 2725, which are stored and maintained by the
16 Department of Public Safety, or

17 i. any portion of any document or information provided to
18 an agency or entity of the state or a political
19 subdivision to obtain licensure under the laws of this
20 state or a political subdivision that contains an
21 applicant's personal address, phone number, electronic
22 mail address, or other contact information. Provided,
23 however, lists of persons licensed, the existence of a
24 license of a person, or an address expressly stated to

1 be a business or commercial address submitted with an
2 application for licensure shall be public records;

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

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

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

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

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

5 Section 24A.10. A. Any information, records or other material
6 heretofore voluntarily supplied to any state agency, board or
7 commission shall be subject to full disclosure pursuant to Section
8 24A.1 et seq. of this title.

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

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

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

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

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

18 5. The prospective location of a private business or industry
19 prior to public disclosure of such prospect except for records
20 otherwise open to inspection such as applications for permits or
21 licenses.

22 C. Except as set forth hereafter, the Oklahoma Department of
23 Commerce, the Oklahoma Department of Career and Technology
24 Education, the technology center school districts, the Oklahoma Film

1 and Music Office, institutions within the Oklahoma State System of
2 Higher Education, and the Department of Corrections may keep
3 confidential:

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

8 2. Proprietary information of the business submitted to the
9 Department or school districts for the purpose of business
10 development or customized training, and related confidentiality
11 agreements detailing the information or records designated as
12 confidential; and

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

15 The Oklahoma Department of Commerce, the Oklahoma Department of
16 Career and Technology Education, the technology center school
17 districts, the Oklahoma Film and Music Office, institutions within
18 the Oklahoma State System of Higher Education, and the Department of
19 Corrections may not keep confidential that submitted information
20 when and to the extent the person or entity submitting the
21 information consents to disclosure.

22 D. Although they must provide public access to their records,
23 including records of the address, rate paid for services, charges,
24 consumption rates, adjustments to the bill, reasons for adjustment,

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

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

21 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
22 February 15, 2022 - DO PASS
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