

1 ENGROSSED SENATE
2 BILL NO. 535

By: Daniels of the Senate

3 and

4 Pae of the House

5
6 An Act relating to the Oklahoma Open Records Act;
7 amending 51 O.S. 2021, Sections 24A.3, as last
8 amended by Section 1, Chapter 358, O.S.L. 2024, and
9 24A.5, as last amended by Section 2, Chapter 116,
10 O.S.L. 2024 (51 O.S. Supp. 2024, Sections 24A.3 and
11 24A.5), which relate to definitions and inspection
12 and copying of records; modifying definition;
13 authorizing public body to require advance payment
14 for certain records requests; requiring return of
15 portion of advance payment under certain
16 circumstances; authorizing use of form for records
17 requests; authorizing public body to request
18 clarification for certain records requests;
19 establishing requirements for specificity of records
20 requests; allowing denial of records requests under
21 certain circumstances; updating statutory references;
22 updating statutory language; and providing an
23 effective date.

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

SECTION 1. AMENDATORY 51 O.S. 2021, Section 24A.3, as
last amended by Section 1, Chapter 358, O.S.L. 2024 (51 O.S. Supp.
2024, Section 24A.3), is amended to read as follows:

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

1 used with computer software, computer tape, disk, record, sound
2 recording, film recording, video record or other material regardless
3 of physical form or characteristic, created by, received by, under
4 the authority of, or coming into the custody, control or possession
5 of public officials, public bodies or their representatives in
6 connection with the transaction of public business, the expenditure
7 of public funds or the administering of public property. Record
8 shall also mean applications and other documents related to
9 licensure matters that are filed of record in a district court,
10 including, but not limited to, marriage licenses, process server
11 licenses, closing out sale licenses, transient merchant licenses,
12 pool hall licenses, and bail bondsmen registration. Record does not
13 mean:

14 a. computer software, or

15 b. nongovernment personal effects;

16 2. "Public body" shall include, but not be limited to, any
17 office, department, board, bureau, commission, agency, trusteeship,
18 authority, council, committee, trust or any entity created by a
19 trust, county, city, village, town, township, district, school
20 district, fair board, court, executive office, advisory group, task
21 force, study group or any subdivision thereof, supported in whole or
22 in part by public funds or entrusted with the expenditure of public
23 funds or administering or operating public property, and all
24 committees, or subcommittees thereof. Except for the records

1 required by Section 24A.4 of this title, public body does not mean
2 judges, justices, the Council on Judicial Complaints, the
3 Legislature or legislators. Public body shall not include an
4 organization that is exempt from federal income tax under Section
5 501(c)(3) of the Internal Revenue Code of 1986, as amended, and
6 whose sole beneficiary is a college or university, or an affiliated
7 entity of the college or university, that is a member of The
8 Oklahoma State System of Higher Education. Such organization shall
9 not receive direct appropriations from the Legislature. The
10 following persons shall not be eligible to serve as a voting member
11 of the governing board of the organization:

- 12 a. a member, officer, or employee of the Oklahoma State
13 Regents for Higher Education,
- 14 b. a member of the board of regents or other governing
15 board of the college or university that is the sole
16 beneficiary of the organization, or
- 17 c. an officer or employee of the college or university
18 that is the sole beneficiary of the organization;

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

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

23 5. "Law enforcement agency" means any public body charged with
24 enforcing state or local criminal laws and initiating criminal

1 prosecutions including, but not limited to: police departments; state and local fire marshals when investigating potential
2 violations of federal, state, or local criminal laws or when acting
3 on behalf of a law enforcement agency; county sheriffs; the
4 Department of Public Safety; the Oklahoma State Bureau of Narcotics
5 and Dangerous Drugs Control; the Alcoholic Beverage Laws
6 Enforcement Commission; and the Oklahoma State Bureau of
7 Investigation.

9 SECTION 2. AMENDATORY 51 O.S. 2021, Section 24A.5, as
10 last amended by Section 2, Chapter 116, O.S.L. 2024 (51 O.S. Supp.
11 2024, Section 24A.5), is amended to read as follows:

12 Section 24A.5. All records of public bodies and public
13 officials shall be open to any person for inspection, copying, or
14 mechanical reproduction during regular business hours; provided:

15 1. The Oklahoma Open Records Act, Sections 24A.1 through ~~24A.30~~
16 24A.34 of this title, does not apply to records specifically
17 required by law to be kept confidential including:

- 18 a. records protected by a state evidentiary privilege
19 such as the attorney-client privilege, the work
20 product immunity from discovery and the identity of
21 informer privileges,
- 22 b. records of what transpired during meetings of a public
23 body lawfully closed to the public such as executive
24

- 1 sessions authorized under the Oklahoma Open Meeting
2 Act,
- 3 c. personal information within driver records as defined
4 by the Driver's Privacy Protection Act, 18 ~~United~~
5 ~~States Code~~ U.S.C., Sections 2721 through 2725,
- 6 d. information in the files of the Board of Medicolegal
7 Investigations obtained pursuant to Sections 940 and
8 941 of Title 63 of the Oklahoma Statutes that may be
9 hearsay, preliminary unsubstantiated investigation-
10 related findings, or confidential medical information,
- 11 e. any test forms, question banks and answer keys
12 developed for state licensure examinations, but
13 specifically excluding test preparation materials or
14 study guides,
- 15 f. last names, addresses, Social Security numbers or tax
16 identification numbers, and proof of identification
17 submitted to the Oklahoma Lottery Commission by
18 persons claiming a lottery prize,
- 19 g. unless public disclosure is required by other laws or
20 regulations, vehicle movement records of the Oklahoma
21 Transportation Authority obtained in connection with
22 the Authority's electronic toll collection system,
- 23 h. personal financial information, credit reports, or
24 other financial data obtained by or submitted to a

1 public body for the purpose of evaluating credit
2 worthiness, obtaining a license, permit, or for the
3 purpose of becoming qualified to contract with a
4 public body,

5 i. any digital audio/video recordings of the toll
6 collection and safeguarding activities of the Oklahoma
7 Transportation Authority,

8 j. any personal information provided by a guest at any
9 facility owned or operated by the Oklahoma Tourism and
10 Recreation Department to obtain any service at the
11 facility or by a purchaser of a product sold by or
12 through the Oklahoma Tourism and Recreation
13 Department,

14 k. a United States Department of Defense Form 214 (DD
15 Form 214) filed with a county clerk, including any DD
16 Form 214 filed before July 1, 2002,

17 l. except as provided for in Section 2-110 of Title 47 of
18 the Oklahoma Statutes:

19 (1) any record in connection with a Motor Vehicle
20 Report issued by the Department of Public Safety,
21 as prescribed in Section 6-117 of Title 47 of the
22 Oklahoma Statutes, or

23 (2) personal information within driver records, as
24 defined by the Driver's Privacy Protection Act,

1 18 U.S.C., Sections 2721 through 2725, which are
2 stored and maintained by the Department of Public
3 Safety,

4 m. any portion of any document or information provided to
5 an agency or entity of the state or a political
6 subdivision to obtain licensure under the laws of this
7 state or a political subdivision that contains an
8 applicant's personal address, personal phone number,
9 personal email address, any government-issued
10 identification numbers, or other contact information;
11 provided, however, lists of persons licensed, the
12 existence of a license of a person, or a business or
13 commercial address, or other business or commercial
14 information disclosable under state law submitted with
15 an application for licensure shall be public record,
16 unless the business or commercial address is the same
17 as the applicant's personal address, except when the
18 applicant permits in writing the disclosure of the
19 address,

20 n. an investigative file obtained during an investigation
21 conducted by the State Department of Health into
22 violations of the Long-Term Care Administrator
23 Licensing Act under Title 63 of the Oklahoma Statutes,
24 ~~or~~

1 o. documents, evidence, materials, records, reports,
2 complaints, or other information in the possession or
3 control of the Attorney General or Insurance
4 Department pertaining to an evaluation, examination,
5 investigation, or review made pursuant to the
6 provisions of the Patient's Right to Pharmacy Choice
7 Act, the Pharmacy Audit Integrity Act, or Sections 357
8 through 360 of Title 59 of the Oklahoma Statutes, or
9 p. records sought by a party or the party's
10 representative to a pending civil litigation or
11 criminal prosecution in which the records may be
12 sought through a subpoena process;

13 2. All Social Security numbers included in a record may be
14 confidential regardless of the person's status as a public employee
15 or private individual and may be redacted or deleted prior to
16 release of the record by the public body;

17 3. Any reasonably segregable portion of a record containing
18 exempt material shall be provided after deletion of the exempt
19 portions; provided, however, the Department of Public Safety shall
20 not be required to assemble for the requesting person specific
21 information, in any format, from driving records relating to any
22 person whose name and date of birth or whose driver license number
23 is not furnished by the requesting person.

1 The Oklahoma State Bureau of Investigation shall not be required
2 to assemble for the requesting person any criminal history records
3 relating to persons whose names, dates of birth, and other
4 identifying information required by the Oklahoma State Bureau of
5 Investigation pursuant to administrative rule are not furnished by
6 the requesting person;

7 4. Any request for a record which contains individual records
8 of persons, and the cost of copying, reproducing or certifying each
9 individual record is otherwise prescribed by state law, the cost may
10 be assessed for each individual record, or portion thereof requested
11 as prescribed by state law. Otherwise, a public body may charge a
12 fee only for recovery of the reasonable, direct costs of record
13 copying, or mechanical reproduction. Notwithstanding any state or
14 local provision to the contrary, in no instance shall the record
15 copying fee exceed twenty-five cents (\$0.25) per page for records
16 having the dimensions of eight and one-half (8 1/2) by fourteen (14)
17 inches or smaller, or a maximum of One Dollar (\$1.00) per copied
18 page for a certified copy. However, if the request:

19 a. is solely for commercial purpose, or

20 b. would clearly cause excessive disruption of the
21 essential functions of the public body,

22 then the public body may charge a reasonable fee to recover the
23 direct cost of record search and copying; however, publication in a
24 newspaper or broadcast by news media for news purposes shall not

1 constitute a resale or use of a record for trade or commercial
2 purpose and charges for providing copies of electronic data to the
3 news media for a news purpose shall not exceed the direct cost of
4 making the copy. The fee charged by the Department of Public Safety
5 for a copy in a computerized format of a record of the Department
6 shall not exceed the direct cost of making the copy unless the fee
7 for the record is otherwise set by law. A public body may require
8 advance payment of the estimated fees authorized under this section
9 when the estimated cost exceeds Seventy-five Dollars (\$75.00) or if
10 the requestor has outstanding fees from previous requests. Any
11 portion of an advance payment that exceeds the costs of responding
12 to the request shall be returned to the requestor.

13 Any public body establishing fees under ~~this act~~ the Oklahoma
14 Open Records Act shall post a written schedule of the fees at its
15 principal office and with the county clerk.

16 In no case shall a search fee be charged when the release of
17 records is in the public interest, including, but not limited to,
18 release to the news media, scholars, authors and taxpayers seeking
19 to determine whether those entrusted with the affairs of the
20 government are honestly, faithfully, and competently performing
21 their duties as public servants.

22 The fees shall not be used for the purpose of discouraging
23 requests for information or as obstacles to disclosure of requested
24 information;

1 5. The land description tract index of all recorded instruments
2 concerning real property required to be kept by the county clerk of
3 any county shall be available for inspection or copying in
4 accordance with the provisions of the Oklahoma Open Records Act;
5 provided, however, the index shall not be copied or mechanically
6 reproduced for the purpose of sale of the information;

7 6. A public body must provide prompt, reasonable access to its
8 records but may establish reasonable procedures which protect the
9 integrity and organization of its records and to prevent excessive
10 disruptions of its essential functions. A delay in providing access
11 to records shall be limited solely to the time required for
12 preparing the requested documents and the avoidance of excessive
13 disruptions of the public body's essential functions. In no event
14 may production of a current request for records be unreasonably
15 delayed until after completion of a prior records request that will
16 take substantially longer than the current request. Any public body
17 which makes the requested records available on the Internet shall
18 meet the obligation of providing prompt, reasonable access to its
19 records as required by this paragraph;

20 7. A public body may require a requestor to complete a records
21 request form. If a records request does not describe the requested
22 records with reasonable specificity, a public body may ask the
23 requestor to clarify the request. To have reasonable specificity, a
24 request shall:

- a. specify a general time frame within which the requested records would have been created or transmitted,
- b. seek identifiable records, rather than general information without any qualifiers or other specifications, and
- c. include search terms that are sufficiently specific to assist the public body in identifying the requested records.

If a public body has engaged with the requestor to seek the information needed to fulfill the request and to identify the records sought by the requestor, including providing the requestor with general topics or a specific list of records related to the request, the request may be denied if it is still not reasonably specific; and

~~7.~~ 8. A public body shall designate certain persons who are authorized to release records of the public body for inspection, copying, or mechanical reproduction. At least one person shall be available at all times to release records during the regular business hours of the public body.

SECTION 3. This act shall become effective November 1, 2025.

1 Passed the Senate the 10th day of March, 2025.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2025.

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8 _____
9 Presiding Officer of the House
10 of Representatives