

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

HOUSE BILL 2022

By: Pae

AS INTRODUCED

An Act relating to records; amending 51 O.S. 2021, Sections 24A.3, as last amended by Section 1, Chapter 358, O.S.L. 2024, 24A.5, as last amended by Section 2, Chapter 116, O.S.L. 2024, and 24A.17, as amended by Section 3, Chapter 116, O.S.L. 2024 (51 O.S. Supp. 2024, Sections 24A.3, 24A.5, and 24A.17), which relate to the Oklahoma Open Records Act; modifying definitions; adding exemptions; permitting the redacting or deleting of certain information; permitting advance payment of certain fees; allowing clarification and denial of certain requests not made with reasonable specificity; defining reasonable specificity; allowing request denial under certain circumstances; providing exception to attorney fees; and providing an effective date.

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 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 shall also mean applications and other documents related to
7 licensure matters that are filed of record in a district court,
8 including, but not limited to, marriage licenses, process server
9 licenses, closing out sale licenses, transient merchant licenses,
10 pool hall licenses, and bail bondsmen registration. Record does not
11 mean:

12 a. computer software, or

13 b. nongovernment personal effects;

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

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

10 a. a member, officer, or employee of the Oklahoma State
11 Regents for Higher Education,

12 b. a member of the board of regents or other governing
13 board of the college or university that is the sole
14 beneficiary of the organization, or

15 c. an officer or employee of the college or university
16 that is the sole beneficiary of the organization;

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

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

21 5. "Law enforcement agency" means any public body charged with
22 enforcing state or local criminal laws and initiating criminal
23 prosecutions including, but not limited to, police departments,
24 state and local fire marshals when investigating potential violation

1 of federal state or local criminal laws or when acting on behalf of
2 a law enforcement department, county sheriffs, the Department of
3 Public Safety, the Oklahoma State Bureau of Narcotics and Dangerous
4 Drugs Control, the Alcoholic Beverage Laws Enforcement Commission,
5 and the Oklahoma State Bureau of Investigation.

6 SECTION 2. AMENDATORY 51 O.S. 2021, Section 24A.5, as
7 last amended by Section 2, Chapter 116, O.S.L. 2024 (51 O.S. Supp.
8 2024, Section 24A.5), is amended to read as follows:

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

12 1. The Oklahoma Open Records Act, Sections 24A.1 through 24A.30
13 of this title, does not apply to records specifically required by
14 law to be kept confidential including:

15 a. records protected by a state evidentiary privilege
16 such as the attorney-client privilege, the work
17 product immunity from discovery and the identity of
18 informer privileges,

19 b. records of what transpired during meetings of a public
20 body lawfully closed to the public such as executive
21 sessions authorized under the Oklahoma Open Meeting
22 Act,

- c. personal information within driver records as defined by the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725,
- d. information in the files of the Board of Medicolegal Investigations obtained pursuant to Sections 940 and 941 of Title 63 of the Oklahoma Statutes that may be hearsay, preliminary unsubstantiated investigation-related findings, or confidential medical information,
- e. any test forms, question banks and answer keys developed for state licensure examinations, but specifically excluding test preparation materials or study guides,
- f. last names, addresses, Social Security numbers or tax identification numbers, and proof of identification submitted to the Oklahoma Lottery Commission by persons claiming a lottery prize,
- g. unless public disclosure is required by other laws or regulations, vehicle movement records of the Oklahoma Transportation Authority obtained in connection with the Authority's electronic toll collection system,
- h. personal financial information, credit reports, or other financial data obtained by or submitted to a public body for the purpose of evaluating credit worthiness, obtaining a license, permit, or for the

1 purpose of becoming qualified to contract with a
2 public body,

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

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

12 k. a Department of Defense Form 214 (DD Form 214) filed
13 with a county clerk, including any DD Form 214 filed
14 before July 1, 2002,

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

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

21 (2) personal information within driver records, as
22 defined by the Driver's Privacy Protection Act,
23 18 U.S.C., Sections 2721 through 2725, which are
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1 stored and maintained by the Department of Public
2 Safety,

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

19 n. an investigative file obtained during an investigation
20 conducted by the State Department of Health into
21 violations of the Long-Term Care Administrator
22 Licensing Act under Title 63 of the Oklahoma Statutes,
23 ~~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 their representative to a
10 pending litigation, in which the records may be sought
11 through a subpoena process in the pending litigation,
12 civil or criminal;

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. The home addresses, home telephone numbers, private email
18 addresses, and private mobile phone numbers of individuals may be
19 confidential, regardless of the person's status as a public employee
20 or private individual, and may be redacted or deleted prior to
21 release of the record by the public body. Notwithstanding the
22 provisions of this paragraph, telephone numbers and addresses used
23 for business purposes may be made available for public inspection;
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1 4. Any reasonably segregable portion of a record containing
2 exempt material shall be provided after deletion of the exempt
3 portions; provided however, the Department of Public Safety shall
4 not be required to assemble for the requesting person specific
5 information, in any format, from driving records relating to any
6 person whose name and date of birth or whose driver license number
7 is not furnished by the requesting person.

8 The Oklahoma State Bureau of Investigation shall not be required
9 to assemble for the requesting person any criminal history records
10 relating to persons whose names, dates of birth, and other
11 identifying information required by the Oklahoma State Bureau of
12 Investigation pursuant to administrative rule are not furnished by
13 the requesting person;

14 ~~4.~~ 5. Any request for a record which contains individual
15 records of persons, and the cost of copying, reproducing or
16 certifying each individual record is otherwise prescribed by state
17 law, the cost may be assessed for each individual record, or portion
18 thereof requested as prescribed by state law. Otherwise, a public
19 body may charge a fee only for recovery of the reasonable, direct
20 costs of record copying, or mechanical reproduction.

21 Notwithstanding any state or local provision to the contrary, in no
22 instance shall the record copying fee exceed twenty-five cents
23 (\$0.25) per page for records having the dimensions of eight and one-
24 half (8 1/2) by fourteen (14) inches or smaller, or a maximum of One

1 Dollar (\$1.00) per copied page for a certified copy. However, if
2 the request:

3 a. is solely for commercial purpose, or

4 b. would clearly cause excessive disruption of the
5 essential functions of the public body,

6 then the public body may charge a reasonable fee to recover the
7 direct cost of record search and copying; however, publication in a
8 newspaper or broadcast by news media for news purposes shall not
9 constitute a resale or use of a record for trade or commercial
10 purpose and charges for providing copies of electronic data to the
11 news media for a news purpose shall not exceed the direct cost of
12 making the copy. The fee charged by the Department of Public Safety
13 for a copy in a computerized format of a record of the Department
14 shall not exceed the direct cost of making the copy unless the fee
15 for the record is otherwise set by law. A public body may require
16 advance payment of the estimated fees authorized under this section
17 when the estimated costs of the record searching, redacting, or
18 copying exceeds Seventy-five Dollars (\$75.00). Any portion of an
19 advance payment in excess of the costs in responding to the request
20 shall be returned to the requestor.

21 Any public body establishing fees under this act shall post a
22 written schedule of the fees at its principal office and with the
23 county clerk.

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

7 The fees shall not be used for the purpose of discouraging
8 requests for information or as obstacles to disclosure of requested
9 information;

10 ~~5.~~ 6. The land description tract index of all recorded
11 instruments concerning real property required to be kept by the
12 county clerk of any county shall be available for inspection or
13 copying in accordance with the provisions of the Oklahoma Open
14 Records Act; provided, however, the index shall not be copied or
15 mechanically reproduced for the purpose of sale of the information;

16 ~~6.~~ 7. A public body must provide prompt, reasonable access to
17 its records but may establish reasonable procedures which protect
18 the integrity and organization of its records and to prevent
19 excessive disruptions of its essential functions. A delay in
20 providing access to records shall be limited solely to the time
21 required for preparing the requested documents and the avoidance of
22 excessive disruptions of the public body's essential functions. In
23 no event may production of a current request for records be
24 unreasonably delayed until after completion of a prior records

1 request that will take substantially longer than the current
2 request. Any public body which makes the requested records
3 available on the Internet shall meet the obligation of providing
4 prompt, reasonable access to its records as required by this
5 paragraph; and

6 ~~7.~~ 8. If a records request is unreasonably vague, open-ended,
7 or otherwise does not describe the requested records with reasonable
8 specificity, a public body may ask the requestor to clarify the
9 request. To have reasonable specificity, a request shall:

- 10 a. specify at least a general time frame within which the
11 requested records would have been created or
12 transmitted,
- 13 b. seek identifiable records, rather than general
14 information without any qualifiers or other
15 specifications, and
- 16 c. include search terms that are sufficiently specific to
17 avoid generating an unreasonably large number of
18 records, such as thousands of pages of emails.

19 If a public body has engaged with the requestor to seek the
20 information needed to fulfill the request and to reach a reasonable
21 solution that accommodates the interests of both the requestor and
22 the public body, including providing the requestor with general
23 topics of records related to the request, the request may be denied

1 if it is still not reasonably specific and would excessively disrupt
2 the public body's essential functions; and

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

8 SECTION 3. AMENDATORY 51 O.S. 2021, Section 24A.17, as
9 amended by Section 3, Chapter 116, O.S.L. 2024 (51 O.S. Supp. 2024,
10 Section 24A.17), is amended to read as follows:

11 Section 24A.17. A. Any public official who willfully violates
12 any provision of the Oklahoma Open Records Act, upon conviction,
13 shall be guilty of a misdemeanor, and shall be punished by a fine
14 not exceeding Five Hundred Dollars (\$500.00) or by imprisonment in
15 the county jail for a period not exceeding one (1) year, or by both
16 such fine and imprisonment.

17 B. Any person who requests and is denied access to records of a
18 public body or public official:

19 1. May bring a civil suit for declarative or injunctive relief,
20 or both, but such civil suit shall be limited to records requested
21 and denied prior to filing of the civil suit; and

22 2. If successful, shall be entitled to reasonable attorney
23 fees, unless the court finds the public body or public official
24 acted in good faith.

1 C. Prior to bringing a civil suit under subsection B of this
2 section, any person seeking declaratory or injunctive relief, or
3 both, must notify the public body or public official of his or her
4 intent to bring a civil suit to obtain relief in writing ten (10)
5 business days prior to filing for such relief. Such notice must
6 also be provided to the Attorney General.

7 D. If the public body or public official successfully defends a
8 civil suit and the court finds that the suit was clearly frivolous,
9 the public body or public official shall be entitled to reasonable
10 attorney fees.

11 E. A public body or public official shall not be civilly liable
12 for damages for providing access to records as allowed under the
13 Oklahoma Open Records Act.

14 SECTION 4. This act shall become effective November 1, 2025.

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