

1 **SENATE FLOOR VERSION**

2 February 21, 2023

3 **AS AMENDED**

4 SENATE BILL NO. 715

5 By: Floyd

6 An Act relating to the Oklahoma Open Records Act;
7 amending 51 O.S. 2021, Section 24A.7, as amended by
8 Section 2, Chapter 307, O.S.L. 2022 (51 O.S. Supp.
9 2022, Section 24A.7), which relates to
10 confidentiality of personnel records; requiring
11 certain notification for denial of access to records;
12 authorizing filing action upon certain denial;
13 authorizing certain court orders for release of
14 certain records; allowing award of certain costs and
15 fees; and providing an effective date.

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

17 SECTION 1. AMENDATORY 51 O.S. 2021, Section 24A.7, as
18 amended by Section 2, Chapter 307, O.S.L. 2022 (51 O.S. Supp. 2022,
19 Section 24A.7), is amended to read as follows:

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

22 1. Which relate to internal personnel investigations including
23 examination and selection material for employment, hiring,

24 appointment, promotion, demotion, discipline or resignation; or

2. Where disclosure would constitute a clearly unwarranted
invasion of personal privacy such as employee evaluations, payroll
deductions, employment applications submitted by persons not hired

1 by the public body and transcripts from institutions of higher
2 education maintained in the personnel files of certified public
3 school employees; provided, however, that nothing in this subsection
4 shall be construed to exempt from disclosure the degree obtained and
5 the curriculum on the transcripts of certified public school
6 employees.

7 B. If a public body determines to keep a requested record
8 confidential pursuant to subsection A of this section, the public
9 body shall notify the requestor of such decision. A person denied
10 access to records may file an action pursuant to subsection B of
11 Section 24A.17 of this title. Upon hearing, the court may order the
12 release of the records if the court finds that the public interest
13 in the records outweighs the privacy interest and **shall** order any
14 redactions necessary to protect innocent parties **including but not**
15 **limited to personal identifying information.** The court may award a
16 requesting party court costs and reasonable attorney fees if it
17 finds that the denial of access to the records by the public body
18 was unreasonable.

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

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

- 1 2. The gross receipts of public funds;
- 2 3. The dates of employment, title or position; and
- 3 4. Any final disciplinary action resulting in loss of pay,
- 4 suspension, demotion of position or termination.

5 ~~C.~~ D. Except as may otherwise be made confidential by statute,

6 an employee of a public body shall have a right of access to his own

7 personnel file.

8 ~~D.~~ E. The home addresses, home telephone numbers, Social

9 Security numbers, private email addresses, and private mobile phone

10 numbers of current and former public employees shall not be open to

11 public inspection or disclosure; provided, however, that nothing in

12 this subsection shall be construed to exempt from disclosure public

13 records created using a private email address or private mobile

14 phone.

15 ~~E.~~ F. Except as otherwise required by Section 6-101.16 of Title

16 70 of the Oklahoma Statutes, public bodies shall keep confidential

17 all records created pursuant to the Oklahoma Teacher and Leader

18 Effectiveness Evaluation System (TLE) which identify a current or

19 former public employee and contain any evaluation, observation or

20 other TLE record of such employee.

21 SECTION 2. This act shall become effective November 1, 2023.

22 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY

23 February 21, 2023 - DO PASS AS AMENDED

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