

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 535

By: Daniels of the Senate

and

Pae of the House

11 COMMITTEE SUBSTITUTE

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

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

2 SECTION 1. AMENDATORY 51 O.S. 2021, Section 24A.3, as
3 last amended by Section 1, Chapter 358, O.S.L. 2024 (51 O.S. Supp.
4 2024, Section 24A.3), is amended to read as follows:

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

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

- 21 a. computer software, or
- 22 b. nongovernment personal effects;

23 2. "Public body" shall include, but not be limited to, any
24 office, department, board, bureau, commission, agency, trusteeship,

1 authority, council, committee, trust or any entity created by a
2 trust, county, city, village, town, township, district, school
3 district, fair board, court, executive office, advisory group, task
4 force, study group or any subdivision thereof, supported in whole or
5 in part by public funds or entrusted with the expenditure of public
6 funds or administering or operating public property, and all
7 committees, or subcommittees thereof. Except for the records
8 required by Section 24A.4 of this title, public body does not mean
9 judges, justices, the Council on Judicial Complaints, the
10 Legislature or legislators. Public body shall not include an
11 organization that is exempt from federal income tax under Section
12 501(c)(3) of the Internal Revenue Code of 1986, as amended, and
13 whose sole beneficiary is a college or university, or an affiliated
14 entity of the college or university, that is a member of The
15 Oklahoma State System of Higher Education. Such organization shall
16 not receive direct appropriations from the Legislature. The
17 following persons shall not be eligible to serve as a voting member
18 of the governing board of the organization:

19 a. a member, officer, or employee of the Oklahoma State
20 Regents for Higher Education,

21 b. a member of the board of regents or other governing
22 board of the college or university that is the sole
23 beneficiary of the organization, or
24

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

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

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

7 5. "Law enforcement agency" means any public body charged with
8 enforcing state or local criminal laws and initiating criminal
9 prosecutions including, but not limited to~~τ~~i: police departments~~τ~~i;
10 state and local fire marshals when investigating potential
11 violations of federal, state, or local criminal laws or when acting
12 on behalf of a law enforcement agency; county sheriffs~~τ~~i; the
13 Department of Public Safety~~τ~~i; the Oklahoma State Bureau of Narcotics
14 and Dangerous Drugs Control~~τ~~i; the Alcoholic Beverage Laws
15 Enforcement Commission~~τ~~i; and the Oklahoma State Bureau of
16 Investigation.

17 SECTION 2. AMENDATORY 51 O.S. 2021, Section 24A.5, as
18 last amended by Section 2, Chapter 116, O.S.L. 2024 (51 O.S. Supp.
19 2024, Section 24A.5), is amended to read as follows:

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

1 1. The Oklahoma Open Records Act, Sections 24A.1 through ~~24A.30~~
2 24A.34 of this title, does not apply to records specifically
3 required by law to be kept confidential including:

- 4 a. records protected by a state evidentiary privilege
5 such as the attorney-client privilege, the work
6 product immunity from discovery and the identity of
7 informer privileges,
- 8 b. records of what transpired during meetings of a public
9 body lawfully closed to the public such as executive
10 sessions authorized under the Oklahoma Open Meeting
11 Act,
- 12 c. personal information within driver records as defined
13 by the Driver's Privacy Protection Act, 18 ~~United~~
14 ~~States Code~~ U.S.C., Sections 2721 through 2725,
- 15 d. information in the files of the Board of Medicolegal
16 Investigations obtained pursuant to Sections 940 and
17 941 of Title 63 of the Oklahoma Statutes that may be
18 hearsay, preliminary unsubstantiated investigation-
19 related findings, or confidential medical information,
- 20 e. any test forms, question banks and answer keys
21 developed for state licensure examinations, but
22 specifically excluding test preparation materials or
23 study guides,

- 1 f. last names, addresses, Social Security numbers or tax
2 identification numbers, and proof of identification
3 submitted to the Oklahoma Lottery Commission by
4 persons claiming a lottery prize,
- 5 g. 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 h. 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 i. any digital audio/video recordings of the toll
16 collection and safeguarding activities of the Oklahoma
17 Transportation Authority,
- 18 j. any personal information provided by a guest at any
19 facility owned or operated by the Oklahoma Tourism and
20 Recreation Department to obtain any service at the
21 facility or by a purchaser of a product sold by or
22 through the Oklahoma Tourism and Recreation
23 Department,
24

- 1 k. a United States Department of Defense Form 214 (DD
2 Form 214) filed with a county clerk, including any DD
3 Form 214 filed before July 1, 2002,
- 4 l. except as provided for in Section 2-110 of Title 47 of
5 the Oklahoma Statutes:
- 6 (1) any record in connection with a Motor Vehicle
7 Report issued by the Department of Public Safety,
8 as prescribed in Section 6-117 of Title 47 of the
9 Oklahoma Statutes, or
- 10 (2) personal information within driver records, as
11 defined by the Driver's Privacy Protection Act,
12 18 U.S.C., Sections 2721 through 2725, which are
13 stored and maintained by the Department of Public
14 Safety,
- 15 m. any portion of any document or information provided to
16 an agency or entity of the state or a political
17 subdivision to obtain licensure under the laws of this
18 state or a political subdivision that contains an
19 applicant's personal address, personal phone number,
20 personal email address, any government-issued
21 identification numbers, or other contact information;
22 provided, however, lists of persons licensed, the
23 existence of a license of a person, or a business or
24 commercial address, or other business or commercial

1 information disclosable under state law submitted with
2 an application for licensure shall be public record,
3 unless the business or commercial address is the same
4 as the applicant's personal address, except when the
5 applicant permits in writing the disclosure of the
6 address,

7 n. an investigative file obtained during an investigation
8 conducted by the State Department of Health into
9 violations of the Long-Term Care Administrator
10 Licensing Act under Title 63 of the Oklahoma Statutes,
11 or

12 o. documents, evidence, materials, records, reports,
13 complaints, or other information in the possession or
14 control of the Attorney General or Insurance
15 Department pertaining to an evaluation, examination,
16 investigation, or review made pursuant to the
17 provisions of the Patient's Right to Pharmacy Choice
18 Act, the Pharmacy Audit Integrity Act, or Sections 357
19 through 360 of Title 59 of the Oklahoma Statutes;

20 2. All Social Security numbers included in a record may be
21 confidential regardless of the person's status as a public employee
22 or private individual and may be redacted or deleted prior to
23 release of the record by the public body;
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1 3. 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. Any request for a record which contains individual records
15 of persons, and the cost of copying, reproducing or certifying each
16 individual record is otherwise prescribed by state law, the cost may
17 be assessed for each individual record, or portion thereof requested
18 as prescribed by state law. Otherwise, a public body may charge a
19 fee only for recovery of the reasonable, direct costs of record
20 copying, or mechanical reproduction. Notwithstanding any state or
21 local provision to the contrary, in no instance shall the record
22 copying fee exceed twenty-five cents (\$0.25) per page for records
23 having the dimensions of eight and one-half (8 1/2) by fourteen (14)

1 inches or smaller, or a maximum of One Dollar (\$1.00) per copied
2 page for a certified copy. However, if 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 cost exceeds Seventy-five Dollars (\$75.00) or if
18 the requestor has outstanding fees from previous requests. Any
19 portion of an advance payment that exceeds the costs of responding
20 to the request shall be returned to the requestor.

21 Any public body establishing fees under ~~this act~~ the Oklahoma
22 Open Records Act shall post a written schedule of the fees at its
23 principal office and with the 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. The land description tract index of all recorded instruments
11 concerning real property required to be kept by the county clerk of
12 any county shall be available for inspection or copying in
13 accordance with the provisions of the Oklahoma Open Records Act;
14 provided, however, the index shall not be copied or mechanically
15 reproduced for the purpose of sale of the information;

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

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

5 7. A public body may require a requestor to complete a records
6 request form. If a records request does not describe the requested
7 records with reasonable specificity, a public body may ask the
8 requestor to clarify the request. To have reasonable specificity, a
9 request shall:

10 a. specify 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 assist the public body in identifying the requested
18 records.

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

1 ~~7.~~ 8. A public body shall designate certain persons who are
2 authorized to release records of the public body for inspection,
3 copying, or mechanical reproduction. At least one person shall be
4 available at all times to release records during the regular
5 business hours of the public body.

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

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8 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY
9 OVERSIGHT, dated 04/17/2025 - DO PASS, As Amended.
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