

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 1097

By: Standridge

AS INTRODUCED

An Act relating to the Oklahoma Open Records Act; amending 51 O.S. 2021, Section 24A.5, as last amended by Section 2, Chapter 116, O.S.L. 2024 (51 O.S. Supp. 2024, Section 24A.5), which relates to inspection and copying of records; updating statutory reference; requiring certain written notice when records request cannot be completed within a specified time; 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.5, as last amended by Section 2, Chapter 116, O.S.L. 2024 (51 O.S. Supp. 2024, Section 24A.5), is amended to read as follows:

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

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

- a. records protected by a state evidentiary privilege such as the attorney-client privilege, the work

1 product immunity from discovery and the identity of
2 informer privileges,

3 b. records of what transpired during meetings of a public
4 body lawfully closed to the public such as executive
5 sessions authorized under the Oklahoma Open Meeting
6 Act,

7 c. personal information within driver records as defined
8 by the Driver's Privacy Protection Act, 18 United
9 States Code, Sections 2721 through 2725,

10 d. information in the files of the Board of Medicolegal
11 Investigations obtained pursuant to Sections 940 and
12 941 of Title 63 of the Oklahoma Statutes that may be
13 hearsay, preliminary unsubstantiated investigation-
14 related findings, or confidential medical information,

15 e. any test forms, question banks and answer keys
16 developed for state licensure examinations, but
17 specifically excluding test preparation materials or
18 study guides,

19 f. last names, addresses, Social Security numbers or tax
20 identification numbers, and proof of identification
21 submitted to the Oklahoma Lottery Commission by
22 persons claiming a lottery prize,

23 g. unless public disclosure is required by other laws or
24 regulations, vehicle movement records of the Oklahoma
25

- 1 Transportation Authority obtained in connection with
2 the Authority's electronic toll collection system,
3 h. personal financial information, credit reports, or
4 other financial data obtained by or submitted to a
5 public body for the purpose of evaluating credit
6 worthiness, obtaining a license, permit, or for the
7 purpose of becoming qualified to contract with a
8 public body,
9 i. any digital audio/video recordings of the toll
10 collection and safeguarding activities of the Oklahoma
11 Transportation Authority,
12 j. any personal information provided by a guest at any
13 facility owned or operated by the Oklahoma Tourism and
14 Recreation Department to obtain any service at the
15 facility or by a purchaser of a product sold by or
16 through the Oklahoma Tourism and Recreation
17 Department,
18 k. a Department of Defense Form 214 (DD Form 214) filed
19 with a county clerk, including any DD Form 214 filed
20 before July 1, 2002,
21 l. except as provided for in Section 2-110 of Title 47 of
22 the Oklahoma Statutes:
23 (1) any record in connection with a Motor Vehicle
24 Report issued by the Department of Public Safety,

1 as prescribed in Section 6-117 of Title 47 of the
2 Oklahoma Statutes, or

3 (2) personal information within driver records, as
4 defined by the Driver's Privacy Protection Act,
5 18 U.S.C., Sections 2721 through 2725, which are
6 stored and maintained by the Department of Public
7 Safety,

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

- 1 n. an investigative file obtained during an investigation
2 conducted by the State Department of Health into
3 violations of the Long-Term Care Administrator
4 Licensing Act under Title 63 of the Oklahoma Statutes,
5 or
6 o. documents, evidence, materials, records, reports,
7 complaints, or other information in the possession or
8 control of the Attorney General or Insurance
9 Department pertaining to an evaluation, examination,
10 investigation, or review made pursuant to the
11 provisions of the Patient's Right to Pharmacy Choice
12 Act, the Pharmacy Audit Integrity Act, or Sections 357
13 through 360 of Title 59 of the Oklahoma Statutes;

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

18 3. Any reasonably segregable portion of a record containing
19 exempt material shall be provided after deletion of the exempt
20 portions; provided however, the Department of Public Safety shall
21 not be required to assemble for the requesting person specific
22 information, in any format, from driving records relating to any
23 person whose name and date of birth or whose driver license number
24 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.

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

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

17 The fees shall not be used for the purpose of discouraging
18 requests for information or as obstacles to disclosure of requested
19 information;

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

3 6. A public body must provide prompt, reasonable access to its
4 records but may establish reasonable procedures which protect the
5 integrity and organization of its records and to prevent excessive
6 disruptions of its essential functions. A delay in providing access
7 to records shall be limited solely to the time required for
8 preparing the requested documents and the avoidance of excessive
9 disruptions of the public body's essential functions. If a records
10 request cannot be completed within ten (10) business days of the
11 request, a person designated pursuant to paragraph 7 of this section
12 shall provide written notice to the requestor indicating the reason
13 for the delay and specifying a date within a reasonable time when
14 the information requested will be available for inspection or
15 duplication. In no event may production of a current request for
16 records be unreasonably delayed until after completion of a prior
17 records request that will take substantially longer than the current
18 request. Any public body which makes the requested records
19 available on the Internet shall meet the obligation of providing
20 prompt, reasonable access to its records as required by this
21 paragraph; and

22 7. A public body shall designate certain persons who are
23 authorized to release records of the public body for inspection,
24 copying, or mechanical reproduction. At least one person shall be

1 available at all times to release records during the regular
2 business hours of the public body.

3 SECTION 2. This act shall become effective November 1, 2025.
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