

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 COMMITTEE SUBSTITUTE  
4 FOR  
5 HOUSE BILL NO. 2510

By: Billy

6  
7 COMMITTEE SUBSTITUTE

8 An Act relating to open records; amending 51 O.S.  
9 2011, Section 24A.5, as amended by Section 1, Chapter  
10 370, O.S.L. 2015 (51 O.S. Supp. 2015, Section 24A.5),  
11 which relates to the inspection and copying of  
12 records of public bodies and public officials;  
13 permitting Social Security numbers in public records  
14 to be confidential and redacted or deleted prior to  
15 release of record; and providing an effective date.

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

17 SECTION 1. AMENDATORY 51 O.S. 2011, Section 24A.5, as  
18 amended by Section 1, Chapter 370, O.S.L. 2015 (51 O.S. Supp. 2015,  
19 Section 24A.5), is amended to read as follows:

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

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

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

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

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

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

16 ~~3.~~ 4. Any request for a record which contains individual  
17 records of persons, and the cost of copying, reproducing or  
18 certifying each individual record is otherwise prescribed by state  
19 law, the cost may be assessed for each individual record, or portion  
20 thereof requested as prescribed by state law. Otherwise, a public  
21 body may charge a fee only for recovery of the reasonable, direct  
22 costs of record copying, or mechanical reproduction.  
23 Notwithstanding any state or local provision to the contrary, in no  
24 instance shall the record copying fee exceed twenty-five cents

1 (\$0.25) per page for records having the dimensions of eight and one-  
2 half (8 1/2) by fourteen (14) inches or smaller, or a maximum of One  
3 Dollar (\$1.00) per copied page for a certified copy. However, if  
4 the request:

5 a. is solely for commercial purpose, or

6 b. would clearly cause excessive disruption of the  
7 essential functions of the public body,

8 then the public body may charge a reasonable fee to recover the  
9 direct cost of record search and copying; however, publication in a  
10 newspaper or broadcast by news media for news purposes shall not  
11 constitute a resale or use of a record for trade or commercial  
12 purpose and charges for providing copies of electronic data to the  
13 news media for a news purpose shall not exceed the direct cost of  
14 making the copy. The fee charged by the Department of Public Safety  
15 for a copy in a computerized format of a record of the Department  
16 shall not exceed the direct cost of making the copy unless the fee  
17 for the record is otherwise set by law.

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

21 In no case shall a search fee be charged when the release of  
22 records is in the public interest, including, but not limited to,  
23 release to the news media, scholars, authors and taxpayers seeking  
24 to determine whether those entrusted with the affairs of the

1 government are honestly, faithfully, and competently performing  
2 their duties as public servants.

3 The fees shall not be used for the purpose of discouraging  
4 requests for information or as obstacles to disclosure of requested  
5 information;

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

12 ~~5.~~ 6. A public body must provide prompt, reasonable access to  
13 its records but may establish reasonable procedures which protect  
14 the integrity and organization of its records and to prevent  
15 excessive disruptions of its essential functions; and

16 ~~6.~~ 7. A public body shall designate certain persons who are  
17 authorized to release records of the public body for inspection,  
18 copying, or mechanical reproduction. At least one person shall be  
19 available at all times to release records during the regular  
20 business hours of the public body.

21 SECTION 2. This act shall become effective November 1, 2016.

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23 55-2-9336 LRB 02/24/16

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