

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1037

By: Faught

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6 AS INTRODUCED

7 An Act relating to the Oklahoma Open Records Act;
8 amending 51 O.S. 2011, Section 24A.5, which relates
9 to exemptions from the Oklahoma Open Records Act;
10 providing additional exemption; and providing an
11 effective date.

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

13 SECTION 1. AMENDATORY 51 O.S. 2011, Section 24A.5, is
14 amended to read as follows:

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

18 1. The Oklahoma Open Records Act, Sections 24A.1 through ~~24A.28~~
19 24A.30 of this title, does not apply to records specifically
20 required by law to be kept confidential including:

- 21 a. records protected by a state evidentiary privilege
22 such as the attorney-client privilege, the work
23 product immunity from discovery and the identity of
24 informer privileges,

1 b. records of what transpired during meetings of a public
2 body lawfully closed to the public such as executive
3 sessions authorized under the Oklahoma Open Meeting
4 Act, Section 301 et seq. of Title 25 of the Oklahoma
5 Statutes,

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

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

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

3 The Oklahoma State Bureau of Investigation shall not be required to
4 assemble for the requesting person any criminal history records
5 relating to persons whose names, dates of birth, and other
6 identifying information required by the Oklahoma State Bureau of
7 Investigation pursuant to administrative rule are not furnished by
8 the requesting person-;

9 3. ~~Any~~ For any request for a record which contains individual
10 records of persons, ~~and~~ when the cost of copying, reproducing or
11 certifying each individual record is otherwise prescribed by state
12 law, the cost may be assessed for each individual record, or portion
13 thereof requested as prescribed by state law. Otherwise, a public
14 body may charge a fee only for recovery of the reasonable, direct
15 costs of record copying, or mechanical reproduction.

16 Notwithstanding any state or local provision to the contrary, in no
17 instance shall the record copying fee exceed twenty-five cents
18 (\$.25) per page for records having the dimensions of eight and one-
19 half (8 1/2) by fourteen (14) inches or smaller, or a maximum of One
20 Dollar (\$1.00) per copied page for a certified copy. However, if
21 the request:

- 22 a. is solely for commercial purpose, or
- 23 b. would clearly cause excessive disruption of the
24 essential functions of the public body,

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

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

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

20 The fees shall not be used for the purpose of discouraging
21 requests for information or as obstacles to disclosure of requested
22 information.;

23 4. The land description tract index of all recorded instruments
24 concerning real property required to be kept by the county clerk of

1 any county shall be available for inspection or copying in
2 accordance with the provisions of the Oklahoma Open Records Act;
3 provided, however, the index shall not be copied or mechanically
4 reproduced for the purpose of sale of the information-;

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

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

14 SECTION 2. This act shall become effective November 1, 2015.

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