

Oklahoma Open Records Act



Office of Attorney General

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What does the Open Records Act mean?

(Title 51 § 24A.1-29)

- A record is open unless specifically exempted in the law
- The Act is intended to provide the necessary transparency for the public to aid in education and understanding of government

Public Body

Section 24A.3(2)

- **Various Types and Forms (Pg. 64)**
 - **Supported in whole or in part by public funds**
 - **Entrusted with the expenditure of public funds**
 - **Administering or operating public property**



Record

Section 24A.3(1) - Pg. 61

- **Regardless of physical form or characteristic**
- **Created by, received by, under the authority of, coming into control, custody or possession of**
- **Public officials, public bodies or their representatives**
- **Agency bears the burden of establishing that records are protected/confidential**

Record Cont ...

Electronic Communication:

AG Opinion 09-12 (Pg. 101)

“E-mails, text messages, and other electronic communications made or received in connection with the transaction of public business, the expenditure of public funds or the administration of public property, are subject to the Open Records Act.”

- This includes electronic communication on personal devices

Disclosure

Section 24A.5 - Pg. 65

- **Open to any person**
- **Inspection, copying and/or mechanical reproduction**
- **During regular business hours**
 - **Offices with 30 hrs or less**
- **Not required to create a record or format that does not exist**

A Record Does Not Mean ...

- **Nongovernment personal effects - (§ 24A.3)**
- **Personal financial information**
- **Any record in connection w/ DPS Motor Vehicle Report - (Title 47 § 6-117)**
- **Required or allowed by law to be confidential - (§ 24A.5, Pg. 65)**
- **Records with both exempt and non-exempt material - (§ 24A.5.2, Pg. 66)**

Personnel Records

Section 24A.7 - Pg. 69

- **Some may be kept confidential - § 24A.7(A)**
- **Some must be available - § 24A.7(B)**
 - **Final disciplinary action**
 - **Elected official employment application**
- **Employees shall have access to their own - § 24A.7(C)**
- **Employee or former employee – home address, phone number, DOB and social security number must be confidential - § 24A.7(D)**

Law Enforcement Records

(Section 24A.8 - Pg. 70)

- ✓ **Certain records must be available - § 24A.8(A), (B)**
 - ▶ **Initial incident reports, radio logs**
 - ▶ **Does not mention dash cams**

- ✓ **Other law enforcement records may be confidential - § 24A.8(C)**

Procedures

- **Public official or body has burden of establishing confidentiality**
- **Prompt, reasonable access - § 24A.5(5) - Pg. 68**
- **Reasonable procedures to protect records and prevent excessive disruptions**
- **One person available at all times during regular business hours to release records -§ 24A.5(6)**
- **Additional recordkeeping not required -§ 24A.18 - Pg. 80**

Various Confidentiality Provisions

Sections 24A.9 – 24A.16

- **Personal notes (Prior to action - Pg. 74)**
- **Bids, computer programs and appraisals (Prior to open meeting)**
- **Federal records - fed. law (Pg. 77)**
- **Educational Records (Pg. 78)**

Confidentiality Cont...

Sections 24A.19 – 24A.29



- **Research records (Pg. 80)**
- **Litigation and investigation files**
 - If open record, must make available even if part of an investigation
 - Exception if record is available elsewhere
- **Vulnerability assessments (P. 82)**
- **Information related to terrorism - (Pgs. 83-85)**

Fees

Section 24A.5(3) - Pg. 67

Reproduction

- Prescribed by state law
- Reasonable, direct cost
- Copying - max .25¢ per page; \$1.00 for certified
- No fee schedule for electronic records

Search

- **Solely commercial purpose (Pg. 68)**
 - **Search fee cannot be charged if in “public interest.”**
- **Excessive disruption of essential functions**
- **Reasonable, direct costs (Pg. 67)**
- **Written schedule at principal office and with county clerk**
- **Not used for discouraging requests or as obstacles to disclosure**

Penalties

- **Willful violation (Criminal) - up to \$500 fine and up to one year in county jail or both -§ 24A.17(A)**
- **Civil suit - pay attorney fees if unsuccessful -§ 24A.17(B)**
- **Public body or public official NOT civilly liable for damages resulting from disclosure pursuant to the Act - § 24A.17(D) - Pg. 80**

Thank you for attending

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