OFFICE OF THE MAYOR
TULSA, OKLAHOMA

Executive Order No. 95-04
August 10, 1995

ESTABLISHING ADMINISTRATIVE PROCEDURES GOVERNING THE OPEN RECORDS POLICY OF THE CITY OF TULSA.

Section 1. **Purpose**: To implement Article XII, Section 16, Amended Charter of City of Tulsa.

Section 2. **Statement of Policy**: The City of Tulsa shall fully comply with the Oklahoma Open Records Act ("State Act") (tit. 51, Okl. Stat., § 24A.1, et seq.), as said Act presently exists or may hereafter be amended by the Oklahoma Legislature. As defined by and subject to the requirements and limitations expressed in the State Act, all records of the City of Tulsa, its departments, boards, authorities and commissions shall be open for inspection, copying and/or mechanical reproduction during regular business hours.

Section 3. **Appointment of Record Custodians**. Every department and every board, authority and commission of the City of Tulsa ("City public body"), shall designate in writing one or more record custodians who are authorized to release its public records. Record custodian appointments shall be sufficient in number to ensure that at least one authorized person is available at all times to release public records during regular business hours. Every City department and City public body having parts of its public records at locations remote from its main administrative office shall post at each remote location a public notice which identifies the location where its appointed record custodian(s) is located for the purpose of receiving any request presented under the Open Records Act. The appointment of record custodians shall be posted for public view at the main administrative office of each City department and City public body.

Section 4. **Open Record Requests.** Excluding documents or records specifically prepared for public distribution by any City department or City public body, all requests for City public records shall be in writing, either in letter form or utilizing a standardized open records request form furnished by the City. Open Records Act request forms shall be available for public use at the main administrative office of every City department and City public body. All record requests must describe the records which are the subject of the request to a degree that the record custodian can be reasonably certain that the records produced for inspection, copying and/or mechanical reproduction are fully responsive to the presented request. Vague, open-ended or all-inclusive record production requests shall not be accepted for processing. In any instance where a record custodian cannot process a presented records request, the custodian shall explain to the requesting party the circumstances preventing processing. All document requests shall be retained by each record custodian for three calendar years.

Section 5. **Processing Record Requests**. The production of records responsive to a presented request shall be handled promptly by record custodians. The date and time when a request is presented and the date and time when the requested records are produced shall be noted on the processed record request. The processing of a record request, in all cases, shall ensure the integrity and security of City records, and every request shall be processed in a manner which prevents excessive disruption of the essential functions of the office in which the records are maintained.

Section 6. **Scope of Records Search**. The appointment of a record custodian within a City department, office, board, authority or commission shall be effective to include only those records maintained by the City public body responsible for the custodian's appointment. In no instance shall a record custodian be responsible for the production of records which are not subject to his/her authority. Record custodians receiving a

95-04 2

misdirected record request seeking the production of records not under the custodian's control shall, if known by the custodian, inform the requesting party the identity and location of the City department, office, board, authority or commission which is most likely to have the desired City records.

Section 7. **Records in Storage**. Records of any City department or City public body placed in either permanent or temporary storage shall remain the responsibility of the City department or City public body placing the records in storage.

Section 8. **Computer Records**. Any City department or City public body responsible for creating computer records or data storage computer files shall be responsible for administering the appropriate release of such records or files, notwithstanding the circumstance that they may be physically located within a centralized City computer record system or centralized City computer data storage file system.

Section 9. **Fees for Records**. This Order herewith adopts the schedule of Open Record Act fees appearing at Appendix "A". No charge shall be assessed or collected for any City public record which was specifically prepared for public distribution. A copy of this fee schedule shall be posted in the City Clerk's office and at each location where Open Records Custodian Appointments are posted.

Section 10. **Accountability for Funds**. Record custodians shall be responsible for the collection of required fees and accountable for their deposit into an appropriate City registry, as follows:

1. Record custodians collecting money at any office located within the civic center complex (City Hall, Municipal Police Courts Building, Maxwell Convention Center) not having a secure cash depository approved by the Director of Finance shall deposit all collected money in excess of $20.00 with the Treasury Division of the Finance Department on a daily basis.

2. Record custodians collecting money at any office not located within the civic center complex and all record custodians in the civic center complex not making daily deposits as required by the preceding paragraph shall deposit all collected money with the Treasury Division of the Finance Department in accordance with a written policy established by the custodian's appointing authority, which policy shall be approved in writing by the Director of Finance.

Section 11. **Legal Questions**. Any record custodian having a question concerning whether or not a requested document is a "public record" as defined by Oklahoma's Open Records Act or relating to the amount of the charge which should be collected pursuant to "Appendix A" to this order is directed to contact the office of the City Attorney for guidance.

Section 12. **Effective Date**. This Order shall take effect immediately.

CITY OF TULSA OKLAHOMA

M. Susan Savage

M. Susan Savage, Mayor

ATTEST:

City Clerk

AUG 10 1995

Date

APPROVED:

City Attorney

95-04 4

APPENDIX A TO OPEN RECORDS POLICY OF CITY OF TULSA

PUBLIC NOTICE OF CHARGES FOR REPRODUCTION OF CITY RECORDS PURSUANT TO OPEN RECORDS POLICY OF CITY OF TULSA

Pursuant to the open records policy of the City of Tulsa which implements as City policy the provisions of Oklahoma's Open Records Act (Okla. Stat., tit. 51, § 24A.1, et seq.), the following schedule of charges is posted in the public access area of the City Clerk's office, Room 915 of City Hall, and in the County Clerk's office of Tulsa County, Oklahoma.

Type of Request	Cost
1. Photo copier	$ .20 each page
2. Microfilm (16mm) duplication	$ 7.55 per 100 ft. roll
3. Blue line copies of engineering drawings, designs, etc.	$ .10 per sq. ft.
4. Computer generated records/reports	$ .25 each page, plus any directly incurred costs*
5. Magnetic tape and contents	$35.00
6. Audio cassette tape recordings	$ 5.00 per 60 min. cassette
7. Photographs	actual cost to City for reprinting/copying
8. Video Recordings (VCR)	$ 7.50 per T120
9. Document Search Fee	$ 8.00 per hour **

* Many City computer records are maintained in computer file server systems which are maintained by City's Telecommunications Department pursuant to support agreements with individual City public bodies. Accessing an "**off-line**" computer record at the request of a system user can result in an expense to the City. The actual cost of this bill, if incurred solely incident to a records request, represents a "direct cost" which is properly payable by the person presenting a request for such record. The amount of this cost will vary depending upon the scope of the document request.

** Oklahoma's Open Records Act, at Section 24A.5(3), establishes explicit restrictions upon the assessment of this cost. **Contact the Office of the City Attorney before assessing this cost.**

95-04 5

REQUEST FOR COPYING OF CITY PUBLIC RECORDS

_____ Date_____
Name of City Department

Name_____ Telephone No. _____

Address _____
_____

Copies of the following described records are requested pursuant to the Oklahoma Open Records Act:

Record Title/Date Number of Copies ___

1. _____
2. _____
3. _____
4. _____

RECORD CUSTODIAN SHALL NOTE IN MARGIN ANY RECORD NOT PRODUCED

This request is made for a **business** or **personal** need. (Circle One) I have been advised that a charge for **copying** public records is authorized by state law and has been established by the City of Tulsa.

_____
Signature

_____
Title or Business identity (IF APPLICABLE)

INTERNAL USE ONLY

Request Date _____
Request Time _____

Search Fee Charged **YES or NO**

Search time _____ _____
hours minutes

Total charges $_____

Charges Paid $_____

Receipt Number _____

Record/Copy Produced:
Date _____
Time _____

Charge for non-office copy equipment $_____
_____ Copies made

Delay in Production **YES or NO**

Reason _____
_____

Signature of Record Custodian_____

95-04[6]

REQUEST FOR INSPECTION OF CITY PUBLIC RECORDS

_____ Date_____
Name of City Department

_____ _____
Name Address

_____
Telephone Number

This request is made for a business or personal need. (Circle One) It is requested that the following described record(s) be produced for inspection:

1._____
2._____
3._____
4._____

_____
Signature

_____
Title or Business identity
(IF APPLICABLE)

INTERNAL USE ONLY
Records Produced for Inspection

The following records were not produced in compliance with the presented request for the reason indicated: _____
_____
_____

Reasons for Non- Production of Requested Record:

1. Unable to locate
2. Unable to locate as described
3. Record is privileged/confidential
4. Privileged portions of record have been deleted

Production Delay Encountered: Date _____
YES or NO

Time

_____
Signature of Record Custodian

95-04 7

LEGAL DEPARTMENT
•
ROOM 316
•
918 • 596 • 7717
FAX 918 • 596 • 9700

200 CIVIC CENTER • TULSA, OKLAHOMA • 74103-3827

August 11, 1995

All Department Heads and Chairpersons of all Boards,
Trusts, Authorities and Commissions of the City of Tulsa

Re: Executive Order 95-04
Open Records Policy of the City of Tulsa

Ladies and Gentlemen:

Mayor Savage has issued Executive Order 95-04 which, for the first time, establishes a City open records policy. This Order needs to be read carefully. Its terms cover several specific areas which will require you to take action. One or more record custodians must be appointed and notification of this appointment must be posted in public view. Open records document production requests are now required to be presented in writing (reproducible forms are attached to the order). The Order establishes a new fee schedule which must be posted and enforced. In sum, you need to recognize that you have specific responsibilities for the implementation and day-to-day operation of this Order.

The City's open records policy adopts by reference and implements the terms of Oklahoma's Open Records Act. (tit. 51 Okl.Stat., sec. 24A.1, et seq.) For your reference and continuing use, I am attaching a copy of this state Act to this letter. I suggest that this attachment be copied and maintained with Executive Order 95-04.

The Legal Department will be offering training sessions to ensure that the terms of the Mayor's order and the state Open Records Act are understood by appointed City record custodians. The dates and locations for this training have not presently been established. In the interim, I am available to answer any specific questions you may have.

Very truly yours,

David L. Pauling,
City Attorney

attachment:AS

K:\DPAULING\LEGALDPT\OPREC2.95

95-04 8

§ 24A.1. Short title

Sections 24A.1 through 24A.19 of this title and Section 7 of this act[1] shall be known as the "Oklahoma Open Records Act".

Laws 1985, c. 355, § 1, eff. Nov. 1, 1985; Laws 1988, c. 68, § [illegible] eff. Nov. 1, 1988; Laws 1988, c. 187, § 1, emerg. eff. J[illegible], 1988.

[1] Section 24A.20 of this title.

§ 24A.2. Public policy—Purpose of act

As the Oklahoma Constitution recognizes and guarantees, all political power is inherent in the people. Thus, it is the public policy of the State of Oklahoma that the people are vested with the inher-

§ 24A.3. Definitions

Definitions. As used in this act:[1]

1. "Record" means all documents, including, but not limited to, any book, paper, photograph, microfilm, computer tape, disk, and record, sound recording, film recording, video record or other material regardless of physical form or characteristic, created by, received by, under the authority of, or coming into the custody, control or possession of public officials, public bodies, or their representatives in connection with the transaction of public business, the expenditure of public funds or the administering of public property. "Record" does not mean nongovernment personal effects or, unless public disclosure is required by other laws or regulations, vehicle movement records of the Oklahoma Turnpike Authority obtained in connection with the Authority's electronic toll collection system, personal financial information, credit reports or other financial data obtained by or submitted to a public body for the purpose of evaluating credit worthiness, obtaining a license, permit, or for the purpose of being qualified to contract with a public body;

2. "Public body" shall include, but not be limited to, any office, department, board, bureau, commission, agency, trusteeship, authority, council, committee, trust, county, city, village, town, township, district, school district, fair board, court, executive office, advisory group, task force, study group, or any subdivision thereof, supported in whole or in part by public funds or entrusted with the expenditure of public funds or administering or operating public property, and all committees, or subcommittees thereof. Except for the records required by Section 24A.4 of this title, "public body" does not mean judges, justices, the State Legislature, or State Legislators;

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

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

5. "Law enforcement agency" means any public body charged with enforcing state or local criminal laws and initiating criminal prosecutions, including, but not limited to, police departments, county sheriffs, the Department of Public Safety, the Oklahoma Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic Beverage Laws Enforcement Commission, and the Oklahoma State Bureau of Investigation.

Amended by Laws 1993, c. 39, § 1, eff. Sept. 1, 1993.

[1] Section 24A.1 et seq. of this title.

§ 24A.4. Record of receipts and expenditures

In addition to other records which are kept or maintained, every public body and public official has a specific duty to keep and maintain complete records of the receipt and expenditure of any public funds reflecting all financial and business transactions relating thereto, except that such records may be disposed of as provided by law.

§ 24A.5. Inspection, copying and/or mechanical reproduction of records—Exemptions

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

1. The Oklahoma Open Records Act[1] 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 product immunity from discovery and the identity of informer privileges; or

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

2. Any reasonably segregable portion of a record containing exempt material shall be provided after deletion of the exempt portions, provided however, the Oklahoma Department of Public Safety shall not be required to assemble for the requesting person specific information requested from the Oklahoma Department of Public Safety's Driver License file relating to persons whose names and dates of birth or whose driver license numbers are not furnished by the requesting person.

3. Any request for a record which contains individual records of persons and the cost of copying, reproducing or certifying such individual record which is otherwise prescribed by state law, the cost may be assessed for each individual record, or portion thereof requested as prescribed by state law. Otherwise, a public body may charge a fee only for recovery of the reasonable, direct costs of document copying, and/or mechanical reproduction. Notwithstanding any state or local provision to the contrary, in no instance shall said document copying fee exceed twenty-five cents ($0.25) per page for documents having the dimensions of eight and one half (8½) by fourteen (14) inches or smaller, or a maximum of One Dollar ($1.00) per copied page for a certified copy. However, if the request is:

   a. solely for commercial purpose; or

   b. clearly would cause excessive disruption of the public body's essential functions;

then the public body may charge a reasonable fee to recover the direct cost of document search.

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

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

Said fees shall not be used for the purpose of discouraging requests for information or as obstacles to disclosure of requested information.

4. The land description tract index of all recorded instruments concerning real property required to be kept by the county clerk of any county shall be available for inspection or copying in accordance with the provisions of the Oklahoma Open Records Act; provided, however, such index shall not be copied and/or mechanically reproduced for the purpose of

95-04 9

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

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

Amended by Laws 1992, c. 231, § 2, emerg. eff. May 19, 1992; Laws 1993, c. 97, § 7, eff. Sept. 1, 1993.

[1] Section 24A.1 et seq. of this title.

§ 24A.6. Public body maintaining less than 30 hours of regular business per week—Inspection, copying or mechanical reproduction of records

A. If a public body or its office does not have regular business hours of at least thirty (30) hours a week, the public body shall post and maintain a written notice at its principal office and with the county clerk where the public body is located which notice shall:

1. Designate the days of the week when records are available for inspection, copying or mechanical reproduction;

2. Set forth the name, mailing address, and telephone number of the individual in charge of the records; and

3. Describe in detail the procedures for obtaining access to the records at least two days of the week, excluding Sunday.

B. The person requesting the record and the person authorized to release the records of the public body may agree to inspection, copying, or mechanical reproduction on a day and at a time other than that designated in the notice.

Laws 1985, c. 355, § 6, eff. Nov. 1, 1985.

§ 24A.7. Personnel records—Confidentiality—Inspection and copying

A. A public body may keep personnel records confidential:

1. Which relate to internal personnel investigations including examination and selection material for employment, hiring, appointment, promotion, demotion, discipline, or resignation; or

2. Where disclosure would constitute a clearly unwarranted invasion of personal privacy such as employee evaluations, payroll deductions, employment applications submitted by persons not hired by the public body, and transcripts from institutions of higher education maintained in the personnel files of certified public school employees; provided, however, that nothing in this subsection shall be construed to exempt from disclosure the degree obtained and the curriculum on the transcripts of certified public school employees.

B. All personnel records not specifically falling within the exceptions provided in subsection A of this section shall be available for public inspection and copying including, but not limited to, records of:

1. An employment application of a person who becomes a public official;

2. The gross receipts of public funds;

3. The dates of employment, title or position; and

4. Any final disciplinary action resulting in loss of pay, suspension, demotion of position, or termination.

C. Except as may otherwise be made confidential by statute, an employee of a public body shall have a right of access to his own personnel file.

D. Public bodies shall keep confidential the home address of any person employed or formerly employed by the public body.

Amended by Laws 1994, c. 177, § 1, eff. Sept. 1, 1994.

§ 24A.8. Law enforcement records—Disclosure

A. Law enforcement agencies shall make available for public inspection, if kept, the following records:

1. An arrestee description, including the name, date of birth, address, race, sex, physical description, and occupation of the arrestee;

2. Facts concerning the arrest, including the cause of arrest and the name of the arresting officer;

3. Conviction information, including the name of any person convicted of a criminal offense;

4. Disposition of all warrants, including orders signed by a judge of any court commanding a law enforcement officer to arrest a particular person;

5. A chronological list of incidents, including initial offense report information showing the offense, date, time, general location, officer and a brief summary of what occurred;

6. A crime summary, including a departmental summary of crimes reported and public calls for service by classification or nature and number;

7. Radio logs, including a chronological listing of the calls dispatched; and

8. Jail registers, including jail blotter data or jail booking information recorded on persons at the time of incarceration showing the name of each prisoner with the date and cause of his commitment, the authority committing him, whether committed for a criminal offense, a description of his person, and the date or manner of his discharge or escape.

B. Except for the records listed in subsection A of this section and those made open by other state or local laws, law enforcement agencies may deny access to law enforcement records except where a court finds that the public interest or the interest of an individual outweighs the reason for denial.

C. Nothing contained in this section imposes any new recordkeeping requirements. Law enforcement records shall be kept for as long as is now or may hereafter be specified by law. Absent a legal requirement for the keeping of a law enforcement record for a specific time period, law enforcement agencies shall maintain their records for so long as needed for administrative purposes.

D. Registration files maintained by the Department of Corrections pursuant to the provisions of the Sex Offenders Registration Act[1] shall not be made available for public inspection.

Laws 1985, c. 355, § 8, eff. Nov. 1, 1985; Laws 1989, c. 212, § 8, eff. Nov. 1, 1989.

[1] Section 581 et seq. of title 57.

§ 24A.9. Personal notes and personally created material—Confidentiality

Prior to taking action, including making a recommendation or issuing a report, a public official may keep confidential his or her personal notes and personally created materials other than departmental budget requests of a public body prepared as an aid to memory or research leading to the adoption of a public policy or the implementation of a public project.

Laws 1985, c. 355, § 9, eff. Nov. 1, 1985.

§ 24A.10. Voluntarily supplied information—Bids, computer programs, appraisals and prospective business locations—Department of Commerce records—Confidentiality—Disclosure

A. Any information, records or other material heretofore voluntarily supplied to any state agency, board or commission which was not required to be considered by that agency, board or commission in the performance of its duties may, within thirty (30) days from the effective date of this act,[1] be removed from the files of such agency, board or commission by the person or entity which originally voluntarily supplied such information. Provided, after thirty (30) days from the effective date of this act, any information voluntarily supplied shall be subject to full disclosure pursuant to this act.

B. If disclosure would give an unfair advantage to competitors or bidders, a public body may keep confidential records relating to:

1. Bid specifications for competitive bidding prior to publication by the public body; or

2. Contents of sealed bids prior to the opening of bids by a public body; or

3. Computer programs or software but not data thereon; or

4. Appraisals relating to the sale or acquisition of real estate by a public body prior to award of a contract; or

5. The prospective location of a private business or industry prior to public disclosure of such prospect except for records otherwise open to inspection such as applications for permits or licenses.

C. Except as set forth hereafter, the Oklahoma Department of Commerce may keep confidential:

1. Business plans, feasibility studies, financing proposals, marketing plans, financial statements or trade secrets submitted by a person or entity seeking economic advice from the Oklahoma Department of Commerce; and

2. Information compiled by the Oklahoma Department of Commerce in response to those submissions.

The Oklahoma Department of Commerce may not keep confidential that submitted information when and to the extent the person or entity submitting the information consents to disclosure.

Laws 1985, c. 355, § 10, eff. Nov. 1, 1985; Laws 1988, c. 187, § 5, emerg. eff. June 6, 1988.

[1] Section 24A.1 et seq. of this title.

§ 24A.10a. Oklahoma Medical Center—Market research and marketing plans—Confidentiality

The Oklahoma Medical Center may keep confidential market research conducted by and marketing plans developed by the Oklahoma Medical Center if the Center determines that disclosure of such research or plans would give an unfair advantage to competitors of the Oklahoma Medical Center regarding marketing research and planning, public education, and advertising and promotion of special and general services provided by the Oklahoma Medical Center.

Laws 1988, c. 266, § 22, operative July 1, 1988.

§ 24A.11. Library, archive or museum materials—Confidentiality

A. A public body may keep confidential library, archive, or museum materials donated to the public body to the extent of any limitations imposed as a condition of the donation and any information which would reveal the identity of an individual who lawfully makes a donation to or on behalf of a public body including, but not limited to, donations made through a foundation operated in compliance with Sections 5-145 and 4306 of Title 70 of the Oklahoma Statutes.

B. If library, archive, or museum materials are donated to a public body and the donation may be claimed as a tax deduction, the public body may keep confidential any information required as a condition of the donation except the date of the donation, the appraised value claimed for the donation, and a general description of the materials donated and their quantity.

Amended by Laws 1992, c. 231, § 3, emerg. eff. May 19, 1992.

§ 24A.12. Litigation files and investigatory files of Attorney General, district or municipal attorney—Confidentiality

Except as otherwise provided by state or local law, the Attorney General of the State of Oklahoma and agency attorneys authorized by law, the office of the district attorney of any county of the state, and the office of the municipal attorney of any municipality may keep its litigation files and investigatory reports confidential.

Laws 1985, c. 355, § 12, eff. Nov. 1, 1985; Laws 1988, c. 187, § 6, emerg. eff. June 6, 1988.

§ 24A.13. Federal records—Confidentiality

Records coming into the possession of a public body from the federal government or records generated or gathered as a result of federal legislation may be kept confidential to the extent required by federal law.

Laws 1985, c. 355, § 13, eff. Nov. 1, 1985.

§ 24A.14. Personal communications relating to exercise of constitutional rights—Confidentiality

Except for the fact that a communication has been received and that it is or is not a complaint, a public official may keep confidential personal communications received by the public official from a person exercising rights secured by the Constitution of the State of Oklahoma or the Constitution of the United States. The public official's written response to this personal communication may be kept confidential only to the extent necessary to protect the identity of the person exercising the right.

Laws 1985, c. 355, § 14, eff. Nov. 1, 1985.

95-04"

§ 24A.15. Crop and livestock reports—Public warehouse financial statements—Confidentiality

A. The Division of Agricultural Statistics, Oklahoma Department of Agriculture, also known as the Oklahoma Crop and Livestock Reporting Service, may keep confidential crop and livestock reports provided by farmers, ranchers, and agri-businesses to the extent the reports individually identify the providers.

B. The State Board of Agriculture is authorized to provide for the confidentiality of any financial statement filed pursuant to Section 9-22 of Title 2 of the Oklahoma Statutes. Copies of such financial statements may only be obtained upon written request to the Commissioner of Agriculture.

Upon good cause shown, and at the discretion of the Commissioner of Agriculture, such financial statements may be released.

Laws 1985, c. 355, § 15, eff. Nov. 1, 1985; Laws 1988, c. 259, § 14, emerg. eff. June 29, 1988.

§ 24A.16. Educational records and materials—Confidentiality

A. Except as set forth in subsection B of this section, public educational institutions and their employees may keep confidential:

1. Individual student records;

2. Teacher lesson plans, tests and other teaching material; and

3. Personal communications concerning individual students.

B. If kept, statistical information not identified with a particular student and directory information shall be open for inspection and copying. "Directory information" includes a student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational institution attended by the student. Any educational agency or institution making public directory information shall give public notice of the categories of information which it has designated as such information with respect to each student attending the institution or agency and shall allow a reasonable period of time after such notice has been given for a parent to inform the institution or agency that any or all of the information designated should not be released without the parent's or guardian's prior consent or the student's himself if he is eighteen (18) years of age or older.

Laws 1985, c. 355, § 16, eff. Nov. 1, 1985; Laws 1986, c. 116, § 1, emerg. eff. April 9, 1986.

§ 24A.17. Violations—Penalties—Civil liability

A. Any public official who willfully violates any provision of the Oklahoma Open Records Act,[1] upon conviction, shall be guilty of a misdemeanor, and shall be punished by a fine not exceeding Five Hundred Dollars ($500.00) or by imprisonment in the county jail for a period not exceeding one (1) year, or by both such fine and imprisonment.

B. Any person denied access to a record of a public body or public official may bring a civil suit for declarative and/or injunctive relief and, if successful, shall be entitled to reasonable attorney fees. If the public body or public official successfully defends a civil suit and the court finds that the suit was clearly frivolous, the public body or public official shall be entitled to reasonable attorney fees.

C. A public body or public official shall not be civilly liable for damages for providing access to records as allowed under the Oklahoma Open Records Act.

Laws 1985, c. 355, § 17, eff. Nov. 1, 1985.

[1] Section 24A.1 et seq. of this title.

§ 24A.18. Additional recordkeeping not required

Except as may be required in Section 4 of this act,[1] this act does not impose any additional recordkeeping requirements on public bodies or public officials.

Laws 1985, c. 355, § 18, eff. Nov. 1, 1985.

[1] Section 24A.4 of this title.

§ 24A.19. Research records—Confidentiality

In addition to other records that a public body may keep confidential pursuant to the provisions of the Oklahoma Open Records Act,[1] a public body may keep confidential any information related to research, the disclosure of which could affect the conduct or outcome of the research, the ability to patent or copyright the research, or any other proprietary rights any entity might have in the research or the results of the research; including, but not limited to, trade secrets and commercial or financial information obtained from an entity financing or cooperating in the research, research protocols, and research notes, data, results or other unpublished writings about the research.

Laws 1988, c. 68, § 2, eff. Nov. 1, 1988.

[1] Section 24A.1 et seq. of this title.

§ 24A.20. Records in litigation or investigation file—Access

Access to records which, under the Oklahoma Open Records Act,[1] would otherwise be available for public inspection and copying, shall not be denied because a public body or public official is using or has taken possession of such records for investigatory purposes or has placed the records in a litigation or investigation file. However, a law enforcement agency may deny access to a copy of such a record in an investigative file if the record or a true and complete copy thereof is available for public inspection and copying at another public body.

Laws 1988, c. 187, § 7, emerg. eff. June 6, 1988.

[1] Section 24A.1 et seq. of this title.

§ 24A.21. Increment district reports—Exemption from copying fees

The fees that may be charged by a public body pursuant to the provisions of paragraph 3 of Section 24A.5 of Title 51 of the Oklahoma Statutes shall not be charged when a state agency or taxing entity located within the boundaries of any district created pursuant to the provisions of the Local Development Act[1] request a copy of the reports required by subsections A and B of Section 18 of this act.[2]

Added by Laws 1992, c. 342, § 21.

[1] Section 850 et seq. of title 62.

[2] Section 367 of title 62.

§ 24A.22. Public utilities—Confidential books, records and trade secrets

A. The Corporation Commission shall keep confidential those records of a public utility, its affiliates, suppliers and customers which the Commission determines are confidential books and records or trade secrets.

95-04