

An Act

ENROLLED SENATE
BILL NO. 715

By: Floyd of the Senate

and

Lawson of the House

An Act relating to the Oklahoma Open Records Act; amending 51 O.S. 2021, Section 24A.7, as amended by Section 2, Chapter 307, O.S.L. 2022 (51 O.S. Supp. 2022, Section 24A.7), which relates to confidentiality of personnel records; requiring certain notification for denial of access to records; authorizing filing action upon certain denial; authorizing certain court orders for release of certain records; allowing award of certain costs and fees; and providing an effective date.

SUBJECT: Oklahoma Open Records Act

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

SECTION 1. AMENDATORY 51 O.S. 2021, Section 24A.7, as amended by Section 2, Chapter 307, O.S.L. 2022 (51 O.S. Supp. 2022, Section 24A.7), is amended to read as follows:

Section 24A.7. A. At the ~~sole~~ discretion of the public body, 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. If a public body determines to keep a requested record confidential pursuant to subsection A of this section, the public body shall notify the requestor of such decision. A person denied access to records may file an action pursuant to subsection B of Section 24A.17 of this title. Upon hearing, the court may order the release of the records if the court finds that the public interest in the records outweighs the privacy interest and shall order any redactions necessary to protect innocent parties including but not limited to personal identifying information. The court may award a requesting party court costs and reasonable attorney fees if it finds that the denial of access to the records by the public body was unreasonable.

C. All personnel records not specifically falling within the exceptions provided in subsection A or ~~D~~ E 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.

~~E. D.~~ 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. E.~~ The home addresses, home telephone numbers, Social Security numbers, private email addresses, and private mobile phone numbers of current and former public employees shall not be open to

public inspection or disclosure; provided, however, that nothing in this subsection shall be construed to exempt from disclosure public records created using a private email address or private mobile phone.

~~E.~~ F. Except as otherwise required by Section 6-101.16 of Title 70 of the Oklahoma Statutes, public bodies shall keep confidential all records created pursuant to the Oklahoma Teacher and Leader Effectiveness Evaluation System (TLE) which identify a current or former public employee and contain any evaluation, observation or other TLE record of such employee.

SECTION 2. This act shall become effective November 1, 2023.

Passed the Senate the 22nd day of March, 2023.

Presiding Officer of the Senate

Passed the House of Representatives the 27th day of April, 2023.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____