

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 ENGROSSED SENATE

5 BILL NO. 715

By: Floyd of the Senate

6 and

7 Lawson of the House

8
9 An Act relating to the Oklahoma Open Records Act;
10 amending 51 O.S. 2021, Section 24A.7, as amended by
11 Section 2, Chapter 307, O.S.L. 2022 (51 O.S. Supp.
12 2022, Section 24A.7), which relates to
13 confidentiality of personnel records; requiring
14 certain notification for denial of access to records;
15 authorizing filing action upon certain denial;
16 authorizing certain court orders for release of
17 certain records; allowing award of certain costs and
18 fees; and providing an effective date.

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

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

23 Section 24A.7. A. At the sole discretion of the public body, a
24 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

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

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

22 C. All personnel records not specifically falling within the
23 exceptions provided in subsection A or ~~D~~ E of this section shall be
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1 available for public inspection and copying including, but not
2 limited to, records of:

- 3 1. An employment application of a person who becomes a public
4 official;
- 5 2. The gross receipts of public funds;
- 6 3. The dates of employment, title or position; and
- 7 4. Any final disciplinary action resulting in loss of pay,
8 suspension, demotion of position or termination.

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

12 ~~D.~~ E. The home addresses, home telephone numbers, Social
13 Security numbers, private email addresses, and private mobile phone
14 numbers of current and former public employees shall not be open to
15 public inspection or disclosure; provided, however, that nothing in
16 this subsection shall be construed to exempt from disclosure public
17 records created using a private email address or private mobile
18 phone.

19 ~~E.~~ F. Except as otherwise required by Section 6-101.16 of Title
20 70 of the Oklahoma Statutes, public bodies shall keep confidential
21 all records created pursuant to the Oklahoma Teacher and Leader
22 Effectiveness Evaluation System (TLE) which identify a current or
23 former public employee and contain any evaluation, observation or
24 other TLE record of such employee.

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

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3 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated
4 04/04/2023 - DO PASS.

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