CHAPTER 1. GENERAL

SUBCHAPTER 19. ACCESS TO PUBLIC RECORDS

780:1-19-1. Availability; confidentiality; information requests

(a) **Hours of availability of public records.** Public records of the Department may be inspected and copied during regular business hours in accordance with state and federal laws and the policies and procedures of 51 O.S. Supp. 2000, §24A.1 et seq., as amended.

(b) **Confidential records.** Access to confidential records shall be limited to state and federal employees acting in their official capacities. Confidential records shall include:

(1) Records that relate to internal personnel investigations, including examination and selection materials for employment, hiring, appointment, promotion, demotion, discipline, or resignation;

(2) Health and medical records;

(3) Personnel records that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy such as employee evaluations, payroll deductions, or employment applications submitted by persons not hired by the Department;

(4) Personal notes of employees;

(5) Records that would give an unfair advantage to competitors or bidders, including bid specifications prior to publication, appraisal prior to contract awards, and computer programs or software, but not the data thereon;

(6) Federal records when confidentiality is required by federal law;

(7) Personal communications relating to the exercise of constitutional rights;

(8) Educational records including individual student records, teacher lesson plans, tests, teaching material, and personal communications concerning individual students; and,

(9) Records of State Board meetings lawfully closed to the public.

(c) **Requests to obtain information from records.** Any person may submit a written request to review or obtain copies of public records in the custody of the Department.

(1) Persons wishing to view or obtain copies of public records of the Department shall register their names, occupations, and telephone numbers with the Department. The person shall state whether the purpose of the request is for a personal, commercial, or public interest reason and shall list the records desired for viewing.

(2) The State Director or designated representatives will decide whether or not to approve the request and shall furnish this decision to the person making the request.

(3) No original or recorded copy of a record shall be removed from the Department unless it is determined to be necessary for duplication and approved by the State Director or designee.

(4) Charges for document search, copying, and/or mechanical reproduction will be assessed according to the following schedule:

(A) **Search Time**

(i) **Minimal Required**

(I) Personal -0-

(II) Commercial -0-

(III) *Public Interest -0-

(ii) **Substantial Required**

(I) Personal -0-

(II) Commercial ~~$10~~ $40 per hour

(III) *Public Interest -0-

(iii) **Photocopies**

(I) Personal ~~$.10~~ $.25 per page

(II) Commercial ~~$ .10~~ $.25 per page

(III) *Public Interest ~~$ .10~~ $.25 per page

(iv) **Computer Tape, Disk, Video, Sound Recording, Film Recording, Other**

(I) Personal Actual Cost to Reproduce

(II) Commercial Actual Cost to Reproduce

(III) *Public Interest Actual Cost to Reproduce

(B) ***Includes news media, scholars, authors, and taxpayers seeking to determine the exercise of duty by public servants.**