



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

October 30, 2025

Via email

Oklahoma State Department of Health
c/o Molly K. Clinkscales, Deputy General Counsel
(MollyC@health.ok.gov)

Re: Public Access Counselor Complaint No. 2025-008

Dear Counsel,

This correspondence serves as an official advisement regarding the above-referenced complaint (“Complaint”) submitted to this office pursuant to title 51, section 24A.40 of the Oklahoma Statutes. The Public Access Counselor (“PAC”) received the Complaint from Dr. George Monks, a private citizen. The Complaint alleges that the Oklahoma State Department of Health (“OSDH”) improperly denied a request under the Oklahoma Open Records Act (“ORA”) for records related to probable or confirmed cases of measles in Oklahoma, including communications with the Centers for Disease Control and case numbers on a county-by-county basis.

As required by section 24A.40(F), I conducted an initial review and determined the Complaint warranted a response from OSDH. In its response, OSDH states that it provided some records to Dr. Monks, but withheld others based on title 63, section 1-502.2(A) and various federal regulations governing confidentiality of protected health information.

Upon review of the records provided by OSDH and consideration of OSDH’s response, I have determined the following:

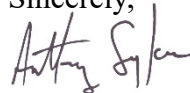
1. While the ORA requires records of public bodies to be “open to any person for inspection, copying, or mechanical reproduction,” it “does not apply to records specifically required by law to be kept confidential[.]” 51 O.S.Supp.2024, § 24A.5.
2. Title 63, section 1-502.2 is one such law. It deems confidential all information and records of OSDH concerning persons who have “participated in a public health investigation or who may have any communicable or noncommunicable disease which is required to be reported [under Title 63].” 63 O.S.2021, § 1-502.2(A). The statute explicitly provides that such information and records are not subject to the ORA, absent specific circumstances. *Id.*¹

¹ Through its rulemaking authority, OSDH has designated measles as a communicable disease that must be reported. See OAC 310:515-1-3; see also 63 O.S.2021, § 1-503.

3. Two of these specific exceptions are potentially relevant here. First, OSDH may release the records if it determines that release is necessary to protect public health *and* is permissible under the Health Insurance Portability and Accountability Act of 1996. *Id.* § 1-502.2(A)(3). Second, OSDH may release “specific medical or epidemiological information for statistical purposes” so long as it is done “in such a way that no person can be identified[.]” *Id.* § 1-502.2(A)(6). Each provision requires analysis of federal regulations that protect personal health information. *See* 45 C.F.R. 164.
4. According to OSDH, it withheld records that were responsive to Dr. Monks’s request after weighing the policies favoring release under the relevant exceptions in section 1-502.2 against the protections afforded to personal health information under federal law. Based on my review of the records requested and the relevant legal standards, OSDH’s response was reasonable.²

Based on the information available to me at this time, I conclude that OSDH has a good-faith legal basis to deny access to the records sought by Dr. Monks. Under title 51, section 24A.40(G), no further response to the above-referenced Complaint is required. If you have any follow-up questions, please do not hesitate to contact me at (405) 522-2771 or by email at opengov@oag.ok.gov.

Sincerely,



ANTHONY SYKES

*Assistant Attorney General
Public Access Counselor*

cc: Dr. George Monks (*via email*)

² It should also be noted that on its website OSDH provides statistical information related to measles and potential public exposures.