



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

April 23, 2026

Via email

University of Oklahoma
c/o Ferris Barger
(ferris.barger@ou.edu)

Re: Public Access Counselor Advisement – Complaint No. 2025-027

Dear Counsel,

This is an official advisement regarding the above-referenced complaint (“Complaint”) submitted to this office pursuant to 51 O.S.Supp.2025, § 24A.40. The Public Access Counselor (“PAC”) received the Complaint on February 10, 2026 from Nicholas Gutteridge, a journalist with an unidentified media affiliation. The Complaint alleges that the University of Oklahoma (“University”) has improperly delayed a request under the Oklahoma Open Records Act (“ORA”) for electronic communications sent or received by University officials.¹ Specifically, Mr. Gutteridge sought these records, covering a roughly seven-week period, for each of the University’s Board of Regents, President, Senior Vice President and Provost, and two faculty members. The request provided a broad list of search terms in an attempt to narrow the universe of responsive records. According to the Complaint, the University initially responded with an offer to provide records responsive to another ORA request that was similar, but not identical, to Mr. Gutteridge’s request. When he declined, the University advised Mr. Gutteridge that due to the breadth of his request, the University would retain a third-party vendor to process the records search, which would likely entail “more than a nominal cost.”

Per the terms of 51 O.S.Supp.2025, § 24A.40(F), I conducted an initial review and determined the Complaint warranted a response from the University. In its response, University argues that the request as submitted generated a substantial amount of records, that the requestor has been unwilling to discuss the request via phone to focus the scope of the request, and that the University continues to process the request.

Upon review of the information provided by the Complainant and consideration of University’s response, I have determined the following:

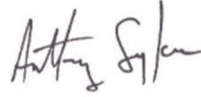
¹ According to the University, Mr. Gutteridge has submitted several ORA requests that are in various stages of completion. I am addressing only the request for electronic communications as described herein, as that is the only request referenced in the Complaint.

1. The electronic communications are records as defined by the ORA. 51 O.S.Supp.2025, § 24A.3(1). As such, they must “be open to any person” unless otherwise exempt by virtue of another provision of the ORA or other applicable law. *Id.* § 24A.5. While it is possible that certain communications, or portions thereof, may be kept confidential, that issue is not before the PAC at this time.
2. The ORA allows public bodies to charge fees to cover (i) “the reasonable, direct costs of record copying, or mechanical reproduction,” and (ii) costs of a records search where the request “would clearly cause excessive disruption of the essential functions of the public body.” 51 O.S.Supp.2025, § 24A.5(4). The latter fee, however, cannot be charged to news media “seeking to determine whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants.” *Id.* If the public body estimates allowable fees to exceed \$75, it may require advance payment from the requester. *Id.*
3. In addition to fees, a public body “may establish reasonable procedures which protect the integrity and organization of its records and to prevent excessive disruptions of its essential functions.” *Id.* § 24A.5(6). However, this does not lessen the public body’s obligation to “provide prompt, reasonable access to its records,” and the ORA stipulates that any “delay in providing access to records shall be limited solely to the time required for preparing the requested documents and the avoidance of excessive disruptions of the public body’s essential functions.” *Id.*
4. In this case, Mr. Gutteridge submitted his request on December 23, 2025 and, after its unsuccessful attempt to satisfy Mr. Gutteridge with alternate records, the University advised him on January 28, 2026 that it would need to engage an outside vendor at an additional cost. It appears that the parties continued to discuss the parameters of the request, but Mr. Gutteridge filed the Complaint shortly thereafter.
5. In analyzing Mr. Gutteridge’s request, the University identified four million pages of plain text data and over three hundred thousand formatted documents to review for production. In this context, the delay in providing access to the requested records was reasonable. This is particularly true where the University, as it did here, provided at least some responsive records in the interim, even if those records did not fully satisfy Mr. Gutteridge’s request.
6. With regard to costs, the ORA permits the University to charge costs to Mr. Gutteridge, payable in advance, as outlined above.
7. As a final note, it is my understanding that the University is continuing to process records for production in response to Mr. Gutteridge’s request. I would urge the parties to work cooperatively to facilitate prompt review and access of these records as required by the ORA.

Based on the information available to me at this time, I conclude the University has a good-faith legal basis for its response to Mr. Gutteridge’s request for records. Under title 51, section 24A.40(G), no further response to the above-referenced Complaint is required. If you have any

questions, please do not hesitate to contact me at (405) 522-2771 or by email at opengov@oag.ok.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony Sykes".

Anthony Sykes
Assistant Attorney General
Public Access Counselor

cc: Nicholas Gutteridge (via email)