



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

April 21, 2026

Via email

Oklahoma Department of Commerce
c/o Tim Bunson
tim.bunson@okcommerce.gov

Re: Public Access Counselor Advisement – Complaint No 2026-029

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 13, 2026 from William Langdon, a private citizen. The Complaint alleges that the Oklahoma Department of Commerce (“Commerce”) improperly denied a request under the Open Records Act (“ORA”) for records regarding Oklahoma Quality Jobs incentive programs. Broadly speaking, Mr. Langdon sought records reflecting annual recipients of incentives under several statutory programs, the amount and type of incentive received by each recipient, project locations, annual costs to the State of such programs, and compliance documentation (collectively the “Incentive Records”). According to the Complaint, Commerce advised him that the only records responsive to the request that it was able to locate could not be released due to nondisclosure agreements.¹

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 Commerce. In its response, Commerce argues that it conducted a reasonable search and could not locate responsive records, primarily because the programs identified by Mr. Langdon are administered by a different public body – the Oklahoma Tax Commission (“OTC”). Commerce also claims that some records that potentially may be responsive to Mr. Langdon’s request may be kept confidential pursuant to 51 O.S.Supp.2022, § 24A.10.

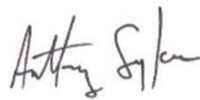
Upon review of the records provided by Commerce and consideration of Commerce’s response, I have determined the following:

¹ To be clear, a public body may not use a nondisclosure agreement to allow for broader confidentiality protection than what is permitted by the ORA or another applicable statute. *See Ross v. City of Owasso*, 2017 OK CIV APP 4, ¶ 8; 2023 OK AG 1, ¶ 15. Commerce did not raise the issue of nondisclosure agreements in its response to the PAC and therefore I did not consider that argument with respect to this advisement.

1. To begin, the State of Oklahoma has several programs through which companies creating qualifying jobs in Oklahoma may receive tax incentives. *See, e.g.*, 68 O.S.2021, §§ 3600 – 3612. In most cases, companies wishing to take advantage of these programs must submit an application to Commerce. *See id.* § 3604.
2. From the records provided, it does not appear that Mr. Langdon sought individual applications for Quality Jobs incentives. Rather, he sought aggregated data reflecting the annualized information described above: companies that applied, incentive-type and amount, and so on, to the extent they are kept by Commerce.
3. Commerce responded by directing Mr. Langdon to two separate websites where such information is compiled; one maintained by Commerce and one maintained by OTC. Upon review, much of the information sought by Mr. Langdon appears to be reflected on one or both websites. *See* 51 O.S.Supp.2025, § 24A.5(6) (“Any public body which makes the requested records available on the Internet shall meet the obligation of providing prompt, reasonable access to its records[.]”).
4. Commerce also receives information from companies interested in applying for the Quality Jobs programs. Where companies have submitted “[b]usiness plans, feasibility studies, financing proposals, marketing plans, financial statements or trade secrets” to Commerce for advice regarding these programs, the ORA permits Commerce to keep confidential the companies’ submissions and any information compiled by Commerce in response to those submissions. 51 O.S.Supp.2022, § 24A.10.
5. Commerce credibly claims that it conducted a systematic search for the records sought and provided access—through reference to internet-accessible information—to all responsive records that cannot be kept confidential.

Based on the information available to me at this time, I conclude that Commerce has complied in good faith with Mr. Langdon’s request. 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: William Langdon