



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

June 29, 2026

Via email

Oklahoma Department of Veteran Affairs
c/o James Littlefield, General Counsel
(james.littlefield@odva.ok.gov)

Re: Public Access Counselor Advisement – Complaint No. 2026-061

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 from Robert Wann, a private citizen and apparent former employee of the Oklahoma Department of Veterans Affairs (“ODVA”). The Complaint alleges that the ODVA improperly denied a request under the Oklahoma Open Records Act (“ORA”) for components of Mr. Wann’s personnel file, including an audio recording and documents related to a requested drug test.¹ According to the Complaint, ODVA advised Mr. Wann that the parts of his personnel file withheld by ODVA related to an internal personnel investigation and would remain confidential.

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 ODVA. In its response, ODVA argues that under 51 O.S.Supp.2022, § 24A.7(A)(1) a public body, may, at its sole discretion, keep personnel records confidential if they relate to internal personnel investigations.

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

- (1) Title 51, section 24A.7(A) contains two provisions that permit a public body, in its sole discretion, to deny public access to the public body’s personnel records. However, section 24A.7(C) grants a public body’s employees the right to access their own personnel file “[e]xcept as may otherwise be made confidential by statute.” *See also* 1986 OK AG 39.
- (2) It is clear that section 24A.7(C) applies to Mr. Wann’s request, and ODVA has not identified any statute that makes the records withheld by ODVA confidential.

¹ In later correspondence to this office, ODVA has agreed to produce the materials related to the requested drug test.

Based on the information available to me at this time, I conclude that Mr. Wann is entitled to the audio recording pursuant to 51 O.S.Supp.2022, § 24A.7(C), and that ODVA has not provided any legal basis to deny Mr. Wann access. To be clear, ODVA may keep the record confidential from all other parties pursuant to 51 O.S.Supp.2022, § 24A.7(A). ODVA's options upon receiving this advisement are set forth in 51 O.S.Supp.2025, § 24A.40(G). 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 dark ink, appearing to read "Anthony Sykes". The signature is fluid and cursive, with the first name "Anthony" and last name "Sykes" clearly distinguishable.

ANTHONY SYKES
Assistant Attorney General
Public Access Counselor

cc: Robert Wann (*via email*)