



ROSENSTEIN, FIST & RINGOLD

RED BANNER UPDATE

Date: May 14, 2024

Re: HB 3779

Signed: April 23, 2024

Effective: November 1, 2024

Topic: Open Records Act

Summary: This bill amends current law (51 O.S. § 24A.3 and 24A.17) regarding the definition of “record” and the filing of civil suits. The Act includes a list of certain records to which the Act does not apply and which are specifically required by law to be kept confidential. Now listed under this particular provision is the following language:

“Any portion of any document or information provided to an agency or entity of the state or a **political subdivision** to obtain licensure under the laws of this state or a **political subdivision** that contains an applicant's personal address, personal phone number, personal email address, any government-issued identification numbers, or other contact information; provided, however, lists of persons licensed, the existence of a license of a person, or a business or commercial address, or other business or commercial information disclosable under state law submitted with an application for licensure shall be public record, unless the business or commercial address is the same as the applicant's personal address, except when the applicant permits in writing the disclosure of the address.”; and

“Personal financial information, credit reports, or other financial data obtained by or submitted to a **public body** for the purpose of evaluating credit worthiness, obtaining a license, permit, or for the purpose of becoming qualified to contract with a **public body**.”

School districts are included in the definition of a public body.



In addition, a new language has been added regarding the filing of a civil suit against a public body by a person **who requests** (new language) and is denied records access. The revised provision on civil suits states that:

“Prior to bringing a civil suit under subsection B of this section, any person seeking declaratory or injunctive relief, or both, must notify the public body or public official of his or her intent to bring a civil suit to obtain relief in writing ten (10) business days prior to filing for such relief. Such notice must also be provided to the Attorney General.”

Legal counsel at the firm is currently reviewing this legislation and will be advising clients as to any recommended changes to existing district policies.