



City of Hartshome  
Written  
Open Records Request

DATE \_\_\_\_\_

NAME OF OFFICIAL \_\_\_\_\_

TITLE \_\_\_\_\_

AGENCY \_\_\_\_\_

ADDRESS \_\_\_\_\_

Dear \_\_\_\_\_:

Under the Oklahoma Open Records Act, Title 51, Sections 24A.1-33, I am requesting that any and all records related to [NAME OF RECORDS GENERAL DESCRIPTION]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

be made available to me for *inspection*. These records should include, but not be limited to, the following: [DETAILED LISTING OF RECORDS]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I acknowledge that not all government-held information is open to the public. However, the Oklahoma Supreme Court has said the party claiming non-disclosure carries the burden to prove that an exemption applies.<sup>1</sup> The Court also has said government officials must consider in ruling on records requests that "disclosure is to be favored over a finding of exemption."<sup>2</sup> If all or some portion of my request is denied, please cite in writing the specific statutory exemption being claimed.

<sup>1</sup> Citizens Against Taxpayer Abuse, Inc. v. City of Oklahoma City, 2003 OK 65, ¶ 12 ("The public body urging an exemption has the burden to establish the applicability of such exemption."). See also Tulsa Tribune Co. v. Okla. Horse Racing Comm'n, 1986 OK 24, ¶ 23 n.15; 735 P.2d 548, 555 n.15 ("In any proceeding the party urging the exemption of materials from disclosure will have the burden of proof to show the applicability of such an exemption."); 1995 OK AG 97, ¶ 5 ("The burden to establish a privilege of confidentiality rests upon the person or entity that seeks to establish it.").

<sup>2</sup> Tulsa Tribune Co. v. Okla. Horse Racing Comm'n, 1986 OK 24, ¶ 22; 735 P.2d 548, 555. See also 1995 OK AG 97, ¶ 5 ("The Act is construed 'to favor disclosure' over withholding information."); 1988 OK AG 35, ¶ 3 ("It is clear from this definition that the Act is intended to be quite broad in its coverage in the State. Similarly, the intent of the Act requires that questions of doubt as to the accessibility of government records be resolved in favor of access.").

Please note that I am asking to inspect these records. However, I reserve the right to make my own copies for free<sup>3</sup> when the records are examined or to request that copies be made under the fee schedule posted by your agency.

The Oklahoma Open Records Act permits a search fee to be charged if the request is for "solely commercial purposes" or "would clearly cause excessive disruption of the public body's essential functions." The statute prohibits the charging of a search fee when the release of the "documents is in the public interest, including, but not limited to, release to the news media, scholars, authors and taxpayers seeking to determine whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants."<sup>4</sup> Please explain if your identity/purpose fit within that provision.

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The Oklahoma Open Records Act requires that public bodies provide "prompt, reasonable access" to records and limit delays "solely to the time required for preparing the requested documents and the avoidance of excessive disruptions of the public body's essential functions."<sup>5</sup> Please respond to this request by no later than

[DATE]

If you have any questions about the nature or scope of this request, please contact me. Thank you for your cooperation.

Sincerely, [YOUR NAME, TITLE AND CONTACT INFORMATION, INCLUDING ADDRESS, PHONE NUMBER AND EMAIL ADDRESS]

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<sup>3</sup> 2006 OK AG 35, ¶ 14 ("The use by a requesting person of his or her own copying equipment is not prohibited by the Act and must be permitted by the public body as long as such person's copying process does not unreasonably disrupt the essential functions of the public body or result in defacing or loss of such records.") "A digital camera or an electronic scanner is a copying device, as are a pen and paper or a photocopy machine," *id.* ¶ 18. "If a person copies a record using his or her own personal recording device, we find no statutory authority for the agency maintaining such records to charge a fee for such service," ¶ 17.

<sup>4</sup> Okla. Stat. tit. 51, § 24A.5(4) (OSCN 2018) ("In no case shall a search fee be charged when the release of records is in..."). See also 2012 OK AG 22, ¶ 11 n.4 ("[A] search fee cannot be charged to the news media if the record is used for a news purpose."); 1999 OK AG 55, ¶ 15 ("[A] search fee cannot be charged when release of public records is in the public interest, such as release to the news media, scholars, authors or taxpayers seeking to determine if government affairs are being properly performed."); 1988 OK AG 35, ¶ 6 (citing Okla. Stat. tit. 51, § 24A.5(3) (1987)) ("[A] public body subject to the Act's requirements may not charge a special 'search fee' to any member of the news media who is seeking information in the public interest, such as attempts by such persons to determine whether those entrusted with the affairs of the government are honestly, faithfully, and competently performing their duties as public servants."). "[T]here is no situation under which a member of the news media may be lawfully charged a search fee by a public body. 51 O.S. 24A.5(3) is quite clear on that point when it decrees 'in no case' may such search fees be assessed in such circumstances," *id.* at ¶ 5.

<sup>5</sup> OKLA. STAT. tit. 51, § 24A.5(6) (2018).