

OPEN RECORDS POLICY

I. STATEMENT OF POLICY

The Oklahoma City Urban Renewal Authority (“Authority”) shall fully comply with the Oklahoma Open Records Act, 51 O.S. § 24A.1, *et seq.* (“Act”). All records of the Authority are open to any person for inspection, copying, or mechanical reproduction during regular business hours. The Executive Director of the Authority, or the Executive Director’s designee, shall serve as the custodian of Authority records. The Act does not apply to records specifically required by law to be kept confidential, and the Authority and its officials are not required to create records if not already in existence. The Authority seeks to provide prompt, reasonable access to its records, while protecting the integrity of its records and preventing excessive disruption of its essential functions.

II. OPEN RECORDS REQUESTS

All requests for Authority records shall be in writing in the form provided by the Request for Inspection and Copying of Records attached in “Appendix A,” providing a detailed description of the requested records and contact information for the person or entity to whom the requested records may be delivered. Vague, open-ended or all-inclusive record production requests shall not be accepted for processing. All Requests for Inspection and Copying of Records must be hand delivered, mailed, faxed, or emailed to:

Oklahoma City Urban Renewal Authority
105 North Hudson Avenue, Suite 101
Oklahoma City, Oklahoma 73102
Fax: (405) 232-8317
Email: info@theallianceokc.org

III. PROCESSING RECORDS REQUESTS

The production of records responsive to a presented request shall be handled promptly by the custodian of Authority records. The date and time when a request is presented and the date and time when the requested records are produced shall be noted on the processed record request. The processing of a record request, in all cases, shall ensure the integrity and security of Authority records, and every request shall be processed in a manner which prevents excessive disruption of the essential functions of the Authority.

IV. SCOPE OF RECORDS SEARCH

Public records must remain open to any person for inspection, copying, and/or mechanical reproduction. In addition, such records must be pre-existing—the Authority has no duty under the Act to create a record not already in existence.¹ A “record” under the Act means all documents including,

¹ 51 O.S. § 24A.18.

but not limited to, any book, paper, photograph, microfilm, data files created by or used with computer software, computer tape, disk, and record, sound recording, film recording, video record or other material regardless of physical form or characteristic, which was created by, received by, or under the authority of public officials, public bodies, or their representatives in connection with the transaction of public business, the expenditure of public funds or the administering of public property. "Record" does not mean computer software, nongovernmental personal effects or, unless public disclosure is required by other laws or regulations, personal financial data submitted to a public body for the purpose of obtaining a license, permit, or for the purpose of becoming qualified to contract with a public body.

Additionally, any record falling with a statutory exemption will remain confidential and will not be subject to production in response open records requests. Among these are: personal notes and personally created materials of a public official (any official or employee of a public body) prior to taking any action (such as approving or making a recommendation on a policy); bid specifications for competitive bidding prior to publication; contents of sealed bids prior to opening bids; appraisals relating to sale or acquisition of real estate prior to award of a contract; or the prospective location of a private business or industry prior to public disclosure; litigation files; records protected by attorney-client privilege and work product immunity; minutes of executive sessions; federal records (i.e., tax returns); personal communications relating to an exercise of constitutional rights and the identity of the person exercising such rights (i. e., citizen complaints); and research and proprietary information may be kept confidential if such disclosure could affect the outcome.

The Authority may keep the following personnel records confidential: internal personnel investigations including examination, selection material for employment, hiring, appointment, promotion, demotion, discipline or resignation; any personnel record which would clearly constitute an unwarranted invasion of personal privacy (i.e., employee evaluations, payroll deductions, employment applications submitted by persons not hired); and the home address of any current or former employee. The following personnel records, on the other hand, are not confidential: employment application of a person who becomes a public official; gross receipts of public funds; dates of employment, title or position; and any final disciplinary action resulting in loss of pay, suspension, demotion of position, or termination. An employee of a public body shall have a right of access to his own personnel file (except confidential records).

V. FEES FOR RECORDS

Except as required by law, the entities requesting copies of public records must pay a fee as determined by the fee schedule in "Appendix B" in advance of receipt of the copies. If the cost of a request is estimated to exceed forty dollars (\$40.00), an Authority representative will send an estimate to the requestor. Once the requestor confirms to pay the estimated costs, the Authority will begin compiling the records. If a requestor does not respond within ten (10) days, the file will be closed.

The Act specifically prohibits charging a search fee when the documents are 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. When the request is solely for a commercial purpose, a search fee can be charged. Fees will not be used to discourage requests for information. The

fee schedule in “Appendix B” shall be posted on the Authority’s website and at the Authority’s primary offices.

VI. LEGAL QUESTIONS

Any questions concerning whether or not a requested document is a “public record” as defined by the Act, whether a record is exempt, or relating to the amount of the charge which should be collected pursuant to “Appendix B” shall contact the office of the Authority’s Legal Counsel for guidance. Any public official who willfully violated the Act, upon conviction, shall be guilty of a misdemeanor and fined not to exceed \$500 or one year imprisonment.

APPENDIX A

OKLAHOMA CITY

URBAN
RENEWAL
AUTHORITY

Request for Inspection and Copying of Records

Name _____ (Print) _____
Address _____ City _____ State _____ Zip _____
Telephone _____ Fax _____ E-mail _____
Firm _____

Check, if applicable:

New Media _____ Scholar _____ Author _____ OKC Citizen _____ *Commercial Purpose _____

Description of Record(s) Requested:

Forward request to:

Oklahoma City Urban Renewal Authority
105 N Hudson Avenue, Suite 101
Oklahoma City, OK 73102
Fax: 405-232-8317/Phone: 405-235-3771
e-mail: info@theallianceokc.org

(Office Use Only)

Date request received: _____ Date produced: _____
Inspection of record only: _____ Number of copies made: _____
Records withheld: _____ Yes _____ No Reason: _____
Estimated copy fee: _____ Deposit amount: _____ How paid: _____
Actual copy fee: _____
Additional fee: _____ Time spent completing request _____
Employee complying with request _____ Date: _____

105 N. Hudson, Suite 101 Oklahoma City, Oklahoma 73102 (405) 235-3771

APPENDIX B

Oklahoma City Urban Renewal Authority
105 N. Hudson Ave., Ste 101
Oklahoma City, OK 73102

Fees to provide copies of public records

Except as otherwise provided in this schedule or by State statute, the fees for copying of existing public records of the Urban Renewal Authority pursuant to a request made pursuant to the Oklahoma Open Records Act shall be as follows:

- A. **Paper photocopy of an existing public record**, including a paper copy of an existing electronic public record, per page not exceeding eight and one-half-inch by 14-inch in size, \$0.25.
- B. **Copy of an existing oversized public record** (with “oversized” meaning existing public records available in the specific sizes indicated below):

(i) Mylar sheet (line drawing)

- 24" x 36"
Black and white - \$3.73

(ii) Mylar sheet (image/aerial photo)

- 24" x 36"
Black and white - \$18.65

(iii) Image/aerial photo ¹

- 11" x 17"
Color - \$ 5.41, Black and white - \$2.79
- 17" x 22"
Color - \$ 8.37, Black and white - \$4.31
- 24" x 36"
Color - \$ 11.81, Black and white - \$6.08
- 36" x 42"
Color - \$ 17.72, Black and white - \$9.12
- 42" x 42" or larger
Color - \$ 20.67, Black and white - \$10.64

(iv) Line drawing²

- 11" x 17"
Color - \$ 1.62, Black and white - \$0.56
- 17" x 22"
Color - \$ 2.51, Black and white - \$0.86
- 24" x 36"
Color - \$ 3.54, Black and white - \$1.22
- 36" x 42"
Color - \$ 5.32, Black and white - \$1.82
- 42" x 42" or larger
Color - \$ 6.20, Black and white - \$2.13

¹ "Image/aerial photo" includes but is not limited to zoning maps, subdivision maps, and aerial photos.

² "Line drawing" includes but is not limited to engineering plans, atlas sheets, and contour maps.

C. **Electronic copy of existing computer data or document(s)** onto Authority-issued disc, electronic copy of existing computer-generated report(s) onto Authority-issued disc, copy of an existing CD onto Authority-issued CD, and/or copy of an existing DVD onto Authority-issued DVD, per disc, \$4, plus the following additional charge, as applicable in specific cases: the actual cost of any hardware and software that are not in the possession of the public body, that would not otherwise generally be required or used by the public body, and that are specifically required to fulfill the request and reproduce the record in computer-readable format with deletion of confidential data.

D. **Expedited copy of existing flood zone and flood map** public record for each tract or description of land requested (includes cost of materials and labor directly attributable to making an expedited copy of existing flood zone and flood map information) \$25.

E. **Copy of an existing photograph:**

- (1) One five-inch by seven-inch photograph provided as a picture on photo paper, \$3
- (2) One or more photographs provided as an electronically recorded file on Authority-issued media (CD, DVD), per disc, \$4.

F. **Additional fee to recover the direct cost of total time spent** searching and copying existing public record(s), to be charged only when the request:

- (1) Is *solely* for commercial purpose(s); or
- (2) Would clearly cause an excessive disruption of essential Authority functions, as determined by the Executive Director or her designee, calculated for each one minute of time spent to search and copy, \$0.30 per minute; provided, in no case shall this

additional fee be charged when the release of records is in the public interest, such as the release of records to the news media, scholars, authors, or taxpayers seeking to determine whether Authority officers or employees are honestly, faithfully, and competently performing their duties as public servants.

G. **Payment in advance** of the above fees for copies of existing public records may be required by the department director or his/her designee.

If the cost of a request is expected to exceed \$40, a staff member will send an estimate to the requestor. Once the requestor confirms to pay the estimated costs, a staff member will begin compiling the records. If a requestor does not respond within 10 days, the file will be closed.