



OKLAHOMA STATE COURTS NETWORK

Title 51. Officers

Oklahoma Statutes Citationized

Title 51. Officers

Chapter 1 - General Provisions

Oklahoma Open Records Act

Section 24A.40 - Public Access Counselor Unit - Request for Review

Cite as: 51 O.S. § 24A.40 (OSCN 2025), Oklahoma Open Records Act

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- A. There is hereby established in the Office of the Attorney General the Public Access Counselor Unit.
- B. A person whose request to inspect or copy a public record is denied by a public body, except the Legislature and committees, commissions, and agencies thereof, may file a request for review with the Public Access Counselor not later than thirty (30) calendar days after the date of the denial. The request for review shall be in writing on a form prescribed by the Attorney General and signed by the requester, and shall include:
1. A copy of the request for access to records; and
 2. Any responses from the public body.
- C. A person whose request to inspect or copy a public record was treated by the public body as a request for a commercial purpose may file a request for review with the Public Access Counselor for the limited purpose of reviewing whether the public body properly determined that the request was made for a commercial purpose.
- D. A person whose request to inspect or copy a public record has not been returned in a prompt or reasonable manner may file a request for review with the Public Access Counselor.
- E. No person whose request to inspect or copy a public record is made for a commercial purpose may file a request for review with the Public Access Counselor.
- F. Upon receipt of a request for review, the Public Access Counselor shall determine whether further action is warranted. If the Public Access Counselor determines that the alleged violation is unfounded, they shall advise the requester and the public body and no further action shall be undertaken. In all other cases, the Public Access Counselor shall forward a copy of the request for review to the public body within seven (7) business days after receipt and shall specify the records or other documents that the public body shall furnish to facilitate the review. Within seven (7) business days after receipt of the request for review, the public body shall fully cooperate and provide a written response to the Public Access Counselor. To the extent that records or documents produced by a public body contain information claimed to be confidential or exempt from disclosure under the Oklahoma Open Records Act, the Public Access Counselor shall not further disclose that information.
- G. 1. The Attorney General shall examine the request and response and shall issue to the public body or public official, or both, an advisement in response to the request for review within sixty (60) calendar days after its receipt. Additionally, the Attorney General shall notify the requester when the office has completed its review.
2. Upon receipt of an advisement, the public body shall either take necessary action promptly and reasonably to comply with the Oklahoma Open Records Act or shall respond to the requester. If the advisement concludes that no additional response is required, the requester may file suit in the proper district court against the public body of which the request was made.

3. A public body that discloses records in accordance with advice of the Attorney General is immune from all liabilities by reason thereof and shall not be liable for penalties under this act.

H. If the requester files suit under Section 24A.17 of Title 51 of the Oklahoma Statutes with respect to the same denial that is the subject of a pending request for review, the requester shall notify the Public Access Counselor, and the Public Access Counselor shall take no further action with respect to the request for review and shall so notify the public body.

I. The Attorney General may issue advisory opinions to advise public bodies regarding compliance with this act. A review may be initiated upon receipt of a written request from the head of the public body or its attorney, which shall contain sufficient accurate facts from which a determination can be made. The Public Access Counselor may request additional information from the public body in order to assist in the review. A public body that relies in good faith on the advice of the Attorney General in responding to a request is not liable for penalties under this act if the facts upon which the advice is based have been fully and fairly disclosed to the Public Access Counselor.

J. If the Public Access Counselor finds that a person requesting review of an agency's action pursuant to subsections B, C, or D of this section has submitted multiple frivolous requests, the Public Access Counselor may deny future requests for review.

K. Notwithstanding any other provisions of law, the Attorney General shall not be required to produce pursuant to Section 24A.5 of Title 51 of the Oklahoma Statutes, the following:

1. Any records provided under this section to the Office of the Attorney General by another public body;
 2. Any correspondence between the Office of the Attorney General and the public body related to advice under this section; or
 3. Any work papers or product of the Office of the Attorney General in carrying out the duties required by this section.
- L. Nothing in this section shall be construed to limit the Attorney General from enforcing or taking action regarding the Oklahoma Open Records Act.

Historical Data

Laws 2025, HB 2163, c. 335, § 1, emerg. eff. May 14, 2025.

Citationizer[®] Summary of Documents Citing This Document

Cite	Name	Level
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None Found.

Citationizer: Table of Authority

Cite Name	Level
Oklahoma Session Laws - 2025	
<i>Cite</i>	<i>Name</i>
<i>Level</i>	
<u>2025 O.S.L. 335, 2025 O.S.L. 335,</u>	<u>[HB 2163] - Open records</u>
	<i>Cited</i>
Title 51. Officers	
<i>Cite</i>	<i>Name</i>
<i>Level</i>	
<u>51 O.S. 24A.5,</u>	<u>Open and Confidential Records</u>
	<i>Cited</i>
<u>51 O.S. 24A.17,</u>	<u>Violations of Oklahoma Open Records Act - Notice - Civil Liability</u>
	<i>Cited</i>