

# Amendment sharpens valuable tool

[Gavel to Gavel](#) appears in The Journal Record. This column was [originally published in The Journal Record](#) on August 24, 2017.

---



Hilary Hudson Clifton is a litigation attorney who represents individuals and both privately-held and public companies in a wide range of civil litigation matters.

By Phillips Murrah Attorney [Hilary Hudson Clifton](#)

The Oklahoma Open Records Act, Okla. Stat. tit. 51, § 24A.1, *et seq*, has been in place since 1985, but its value as a tool for discovering information related to private parties can still go overlooked. A recent amendment to the act, which goes into effect on Nov. 1, further strengthens the measure,

demonstrating the ongoing utility of citizen open records requests.

Often discussed in the context of government transparency, the Oklahoma Open Records Act also provides an avenue for litigators and potential litigants to obtain reliable information about private parties through relatively discreet and non-adversarial channels. Often, information like license and permit applications, safety inspection results, and communications between businesses and government employees are fair game to those who think to ask.

A generally straightforward measure, the act requires all public bodies and public officials to make their records available for inspection or copying. No formal written request is required, as the act requires public bodies to have a designated record custodian available at all times to release records during regular business hours.

The recent amendment to the act, passed via Senate Bill 191, further advances the act's policy of speedy disclosure. The amendment requires any delay in providing access to records to be limited solely to the time required for preparing the requested documents and the avoidance of excessive disruptions of the public body's essential functions, and states that simple records requests cannot be delayed pending the completion of more complex requests. These changes send a clear message that the act mandates not just transparency, but efficient and responsive transparency.

In litigation, discovery disputes are common and commonly reviled by judges and attorneys alike. The records custodian responding to your request, on the other hand, likely has no ax to grind. If a government agency might have the information you seek, try picking up the phone and finding out how helpful your local government employees can be. Keep in mind, however, as the act states, "persons who submit information to public bodies have no right to keep this information from public

access.” For private parties divulging information to the government for business purposes, that’s a knife that cuts both ways.

*Hilary A. Hudson is an attorney at [Phillips Murrah](#) and a member of the firm’s Litigation Practice Group.*