

Administrative Policy 1-13

Open Records Request Response Policy

City of Lawton,
Oklahoma

212 SW 9th Street
Lawton, OK 73501

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A. Purpose.

The City of Lawton, Oklahoma (the "City") is committed to serving the Citizens of Lawton as a transparent governing body. This policy affirms the City's commitment to providing consistent and accurate dissemination of information pursuant to the Oklahoma Open Records Act ("ORA"), 51 O.S. §§ 24A.1. through 24A.32.

The goal is to establish and maintain guidelines for the City's response to requests for records subject to ORA to interested third parties and the general public in compliance with state law and the City's continuing transparency undertakings.

"As the Oklahoma Constitution recognizes and guarantees, all political power is inherent in the people. Thus, it is the public policy of the State of Oklahoma that the people are vested with the inherent right to know and be fully informed about their government. The Oklahoma Open Records Act shall not create, directly or indirectly, any rights of privacy or any remedies for violation of any rights of privacy; nor shall the Oklahoma Open Records Act, except as specifically set forth in the Oklahoma Open Records Act, establish any procedures for protecting any person from release of information contained in public records. The purpose of this act is to ensure and facilitate the public's right of access to and review of government records so they may efficiently and intelligently exercise their inherent political power. The privacy interests of individuals are adequately protected in the specific exceptions to the Oklahoma Open Records Act or in the statutes which authorize, create or require the records. Except where specific state or federal statutes create a confidential privilege, persons who submit information to public bodies have no right to keep this information from public access nor reasonable expectation that this information will be kept from public access; provided, the person, agency or political subdivision shall at all times bear the burden of establishing such records are protected by such a confidential privilege. Except as may be required by other statutes, public bodies do not need to follow any procedures for providing access to public records except those specifically required by the Oklahoma Open Records Act." 51 O.S. §24A.2.

B. Scope

For purposes of this Policy, the City shall mean any office, department, board, bureau, commission, agency, trusteeship, authority, council, committee, component unit, trust or any entity created by a trust, executive office, advisory group, task force, subdivision, any entity created by the City Council or State law for which the City Council serves as the governing or legislative body, or for which at least one Council member serves as a member of the governing or legislative body in his or her official capacity, any entity for which the City is a beneficiary or otherwise has a fiduciary interest, specifically including any such entity supported in whole or in part by public funds or entrusted with the expenditure of public funds or administering or operating public property. This policy covers all City employees, officials, appointees, representatives, and persons authorized on behalf of the City to be responsible for preparing, reviewing, or approving records. Note: the Open Records Act does not impose any additional recordkeeping or record creation requirements on public bodies or officials.

C. Responsibilities of the Open Records Request Coordinator

The City Clerk shall be the Open Records Request Coordinator, and, in consultation with the City Attorney as necessary, is responsible for:

1. Serving as the point of contact with the general public;
2. Accepting and processing records requests through the open records portal, GovQA;
3. Effectuating the delivery of responsive records and releasing the same utilizing GovQA;
4. Monitoring compliance by the City with this Response Policy, including timely dissemination of responsive records;
5. Recommending changes to this Response Policy to the City Attorney as necessary or appropriate;
6. Consulting and coordinating with the City's various Departmental Records Custodians as well as Directors, as needed, in the preparation and dissemination of responsive records;
7. Immediately delivering responsive records from the appropriate Departmental Records Custodians to the City Attorney;
8. Maintaining records documenting the City's compliance with this Policy utilizing GovQA;
9. Controlling the continuity of efforts within responsive Departments to the extent required by this Policy; and
10. Coordinating on-going training of City staff/officials required by this Policy.

D. Responsibilities of Directors

The Directors are responsible for:

1. Designating Departmental Records Custodians within their respective Departments;
2. Ensuring that the Departmental Records Custodians are equipped with the tools and resources necessary to properly and thoroughly maintain all records of their Departments;
3. Providing the Departmental Records Custodians with the technology, to include proper training on GovQA, and information necessary to efficiently redact requested records and adequately identify exemptions and exceptions;
4. Determining which Departmental Records do not necessitate a request under the Open

Records Act due to their being produced during the routine course of business;

5. Establishing Departmental Records retention procedures in compliance with Administrative Policy 1-14;
6. Recommending changes to this Response Policy to the City Attorney as necessary or appropriate; and
7. Monitoring compliance by the Department as a whole, the Departmental Records Custodian, and all Departmental employees with this Response Policy, including timely dissemination of responsive records.

E. Responsibilities of the Departmental Records Custodians

The Departmental Records Custodians, under the supervision of the Directors, and in consultation with the City Attorney as necessary, are responsible for:

1. Accepting and processing records requests through GovQA;
2. Identifying responsive records;
3. Scrubbing, redacting, and applying exceptions and exemptions from responsive records prior to uploading the same to GovQA;
4. Consulting and coordinating with the Departmental Director, as needed, in the preparation and dissemination of responsive records;
5. Frequently relaying informational status updates to the Open Records Request Coordinator; and
6. Efficiently and timely uploading responsive records to GovQA.

F. Responsibilities of the City Attorney

The City Attorney is responsible for:

1. Reviewing the records to insure they are responsive to the request;
2. Confirming that the exceptions/exemptions are proper;
3. Applying any additional redactions deemed necessary;
4. Verifying that the City is in full compliance with the Open Records Act;
5. Periodically evaluating the effectiveness of this Policy and reviewing and proposing updates or amendments thereto, as he deems necessary;

6. Making the final determination of appropriateness and timing for the release of the responsive records; and
7. Prompt delivery of the responsive records through GovQA to the Open Records Request Coordinator for final dissemination.

G. Response Processing Procedure

Each Open Records Request will be handled using the following procedure:

- I. All Open Records Requests will be submitted through GovQA to the Open Records Request Coordinator who will immediately identify the appropriate responsive Department and assign the request to such Department's Open Records Request Coordinator. All participants in the response processing procedure will be required to update the action tracker in GovQA to notate any updates, changes, or requests for clarification.
2. The Departmental Records Custodian will identify responsive records and prepare the same for release by scrubbing, redacting, and applying exceptions and exemptions prior to uploading the same to GovQA.
3. Once the Departmental Records Custodian has processed the request by preparing the responsive records for release, the same will be assigned to the Director for final review, after which they will be forwarded to the City Attorney.
4. The City Attorney will review the request and all responsive documents, exceptions, and exemptions before giving the final approval on releasable documents.
5. The City Attorney will assign the final response to the Open Records Request Coordinator for dissemination.
6. The Open Records Request Coordinator will immediately facilitate release of the same to the requestor, thereby officially completing the process.
7. If at any time it is determined that, either due to the nature and/or scope of the request or if the request would create excessive disruptions of essential functions, requested records cannot be compiled within ten days (10) of receipt of the request, the Open Records Request Coordinator will contact the requesting party to inform them of an estimated response timeline, not to exceed thirty (30) days.

H. Training for Employees and Issuer Officials

Mandatory state-level compliance courses must be attended annually by all City employees and officials of the City who are responsible for preparing, reviewing, or approving records for release. Ongoing training will be coordinated by the Open Records Request Coordinator and will include education on processing procedures under this Policy, the City's compliance obligations

under applicable state and municipal laws, and the responsibilities and potential liabilities of members of the City staff and City Council. Such training may be provided by guest speakers, webinars and conference attendance, subject to the approval of the City Attorney. In addition, training on GovQA will be coordinated through the City Clerk.

I. Public Records Fees

Except as otherwise provided by State Statute the fees for copying of existing public records pursuant to a request made pursuant to the Oklahoma Open Records Act shall be in accordance with the City of Lawton's Code of Ordinance's / Appendix A / Chapter A-1: Fees and Charges General Provisions. This fee schedule can be found at the City of Lawton's website lawtonok.gov. More specifically the current fee schedule can be found at https://library.municode.com/ok/lawton/codes/code_of_ordinances

J. Responsible Department: City Clerk.

K. Effective Date: This Policy, which replaces the previous version dated July 26, 2022, is effective as of the 9th day of February, 2023.



MICHAEL CLEGHORN
CITY MANAGER