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| Robert Patton, Director Oklahoma Department of Corrections | Signature on File | | |

Information Requests and Release of Information from Agency Records and Media Access to the Department of Corrections

In accordance with the Open Records Act (51 O.S. 24A.1 et seq.), the Oklahoma Department of Corrections (DOC) recognizes the inherent right of access to and review of government records. So that citizens of the State of Oklahoma may be informed of the operations of the Oklahoma Department of Corrections and understand correctional procedures, the agency will ensure prompt and reasonable access to its records. These procedures will apply to requests from the public; the legislative, executive, and judicial branches of local, state, and federal government; the media; private agencies; and educational institutions. (2-CO-1A-26, 2-CO-1A-27, 4-4019, 4-ACRS-7F-04)

I. Media Access to the Department of Corrections

The following procedures will be implemented regarding media requests for information or interviews with the Department of Corrections (DOC) personnel and offenders.

A. Designation of Persons Authorized to Address the Media

1. The director, associate directors, division managers, director of Internal/External Communications, public information officer, and individual employees designated by the director are authorized to address the media or public on behalf of the Department of Corrections (DOC).
2. Agency staff will refer all requests about DOC concerning interviews and tours to the Internal/External Communications division.
3. Legislative request will be handled by the director, government relations or Internal/External Communications director.
4. Release of any DOC information not currently available on the DOC website will require prior approval of the director.

B. Facility Access

1. All media requests to enter a facility will be filed with the Internal/External Communications division.
2. For security reasons, the request will list the date and time requested to enter the facility, the names of all persons that will be entering and the type of equipment that will be carried into the facility.
3. DOC will determine if personnel are available to conduct the search of all equipment, escort the media through the facility and for their return to provide escort to exit the facility. If personnel are not available, the request will be denied.
4. Media access will be granted on a first come, first served basis.
5. No video tape or audio recording may be made without specific authorization. This is for the security of staff, offenders and the media.
6. For safety and security reasons, the media will be accompanied at all times while in the facility.

C. Access to Offenders

Any request by a media representative to interview an offender will be made through the Internal/External Communications division and requires the approval of the director and a signed release from the offender prior to the

interview being conducted. The signed release will be placed in the offender's field file.

- D. Request by other individuals, organizations or groups to film, record or interview will follow the same procedures as outlined above.

II. Requests for Information

A. Unwritten Requests

Whenever possible, requests for information will be in writing. It will be the responsibility of the General Counsel's Office to confirm any unwritten request by communicating with the requestor, in writing or by electronic mail, to confirm and clarify the request. No request will be denied because it is not made in writing.

B. Written Requests

In response to a written request for information, the responding party will prepare a written response advising whether the requested documents are in the agency's possession. If the documents are in the agency's possession, the response will indicate whether the documents are subject to the Open Records Act. If the documents are not subject to the Open Records Act, the applicable provision of the Act will be cited. If the document is subject to the Open Records Act, the agency will advise the requestor of the length of the document and the cost of reproduction, as outlined in Section V. of this procedure. Reproduction costs must be paid before the document is released.

III. Prompt Access to Records

Requests for information received by DOC personnel will be answered in a timely manner. However, it is recognized that work loads, time necessary to collect data, or priorities may necessitate the inability to meet the requested time frame. In these cases, the requestor will be contacted in writing or by telephone before the deadline and informed that the request is still being processed and the estimated completion date. If the information requested is confidential, not available, or cannot be compiled in a reasonable amount of time, the requestor will be informed why the information request cannot be answered. Burdensome requests may be negotiated with the requestor to reduce costs and work load.

If a request for information is received in which the requestor has specified a date to respond, no acknowledgment will be necessary unless the requested date cannot be met.

IV. Reasonable Access to Records

The Open Records Act does not impose any additional record-keeping requirements. Requests for records that are not available will be denied. Only records currently in existence will be available to the public.

A. Records Open for Inspection

All records of DOC are open to any person for inspection, copying, and mechanical reproduction during regular business hours, except those specifically listed below.

1. Legal documents and materials prepared in anticipation of litigation and records protected by state evidentiary privilege (51 O.S. 24A.5.1). Investigatory reports prepared by the Office of Inspector General under the direction of the General Counsel and litigation files are confidential and will not be released pursuant to the Open Records Act (51 O.S. 24A.12).
2. Personal notes and personally created materials (other than departmental budget requests) prepared as an aid to memory or research leading to the adoption of a public policy or implementation of a public project may be kept confidential prior to taking action (51 O.S. 24A.9).
3. Minutes of meetings lawfully closed to the public, such as executive sessions, as authorized by the Open Meeting Act (25 O.S. 301 et seq, 51 O.S. 24A.5.1.b).
4. Records that, if disclosed, would give an unfair advantage or disadvantage to competitors such as: (51 O.S. 24A.10.B)
 - a. Bid specifications for competitive bidding prior to publication;
 - b. Contents of sealed bids before the opening of bids;
 - c. Computer programs or software (excluding data);
 - d. Appraisals relating to the sale or acquisition of real estate prior to the award of a contract; and
 - e. The prospective location of a private business or industry prior to public disclosure, except for records otherwise open to inspection, such as applicators for permits or licenses.
5. Any information relating to research of which the disclosure could affect the method of conducting or the outcome of the research until the project is completed (51 O.S. 24A.19.).
6. Records from the Oklahoma State Bureau of Investigation (OSBI), Federal Bureau of Investigation (FBI), Office of Juvenile Affairs (OJA) and Department of Defense (DOD) obtained by the Department of Corrections may not be released. Requestors of these records must

apply directly to these agencies.

7. Information that may endanger the safety of an informant will not be released to the public.

B. Employee Personnel/Training Records

Public access to, and retrieval of, information contained in employee personnel/training records will be in accordance with [OP-110105](#) entitled "Employee Personnel Records" and 51 O.S. 24A.7.

C. Offender Records

1. Offender health records are exempt from the Open Records Act. Public access to, and retrieval of, information from offender health records will be in accordance with [OP-140108](#) entitled "Privacy of Protected Health Information."
2. Request for information in offender records from the public will be in accordance with [OP-060212](#) entitled "Maintenance and Access of Offender Records" and accompanied by at least the name of the offender. Other information such as date of birth, race, gender, Social Security Number (SSN), and DOC number of the offender should be provided if available for verification purposes.

D. Records Requests

Requests regarding matters under investigation, or matters involving litigation or potential litigation will be forwarded to the Office of General Counsel. Requests from the Governor's Office, the legislature, or Board of Corrections members will be referred to the appropriate division office, Internal/External Communications office and/or the Office of the Director.

V. Cost of Copying

For those records open to inspection, 25 cents per page will be charged for copying. The proceeds from copy charges will be deposited in the DOC Revolving Fund 200. If a request is made solely for commercial purpose or the request clearly causes excessive disruption of the public body's essential functions, a reasonable fee may be imposed to recover the direct cost of the document search (51 O.S. 24A.5.3). Publication in a newspaper or broadcast by news media will not constitute a resale or use for commercial purpose.

VI. Release of Information to the News Media

The following procedures will be implemented regarding media requests for information or interviews with DOC personnel and offenders: (2-CO-3C-01, 4-4021)

A. Public Information Officer (PIO)

The departmental public information officer (PIO) is the official spokesperson for DOC. The Internal/External Communications division is responsible for developing and reviewing annually a public information program. The PIO (or designee) is responsible for providing the news media requested information concerning the agency's programs, services, and policies in accordance with the "Media Relations Made Easier" handbook. (2-CO-1A-25, 4-4020, 4-ACRS-7F-01, 4-APPFS-1C-01) Requests from the media will be handled through the agency PIO with no charge to media representatives. (2-CO-1A-27, 2-CO-1A-27-1)

1. Each facility/district/unit head will designate an official spokesperson for their facility who will be the contact person for routine requests. (2-CO-1A-27)
2. The PIO will be notified when staff or offenders are contacted by the news media with a request for information or interview.

B. Media Access to Offenders (4-4021, 4-ACRS-7F-02)

1. Incarcerated Offenders

Offenders may accept or reject DOC approved media interview requests. The procedures for media interviews with incarcerated offenders during non-emergency conditions are as follows: (2-CO-3C-01, 4-4279, 4-ACRS-7F-03)

- a. All requests for interviews will be made in writing through the PIO.
- b. The PIO will obtain clearance from the appropriate facility head in regard to scheduling access of news media representatives into the correctional facility.
- c. Media representatives may be permitted to interview those offenders who consent to be interviewed for a stated purpose and without compensation. (4-4279, 4-ACRS-7F-03)
- d. An offender may not be photographed in a manner, which is individually identifiable, without the offender signing a "Release" form ([Attachment A](#), attached).
- e. Any special requirements created by the presence of a news media representative will be arranged by the PIO in consultation with the director and the news media representative.

- f. The facility head will assign a staff person to accompany the news media representative during the interview. The staff person will be present to ensure the audio or video recording of any offender is done in an observable manner and that the offender has signed a "Release" form prior to the interview.

2. Probation and Parole

Offenders under probation and parole supervision may submit to news media interviews at any time without the need for a release from the agency.

3. Private Prison

Offenders assigned to private prisons may submit to news media interviews or requests. The private prison warden will notify Internal/External Communications division when Oklahoma offenders are contacted or interviewed by the news media.

- C. Interview Guidelines for Oklahoma Department of Corrections Employees

Employees of DOC have the right to accept media interview requests. Employees having contact with the media will complete the "Employee/Media Contact Form" ([Attachment B](#), attached) and submit it to the facility/district/unit head.

1. Requests for Scheduled Interviews

- a. All media interview requests made of individual employees will be reported to the PIO through the employee's chain of command.
- b. The employee's comments in an interview may not involve the divulging of confidential information.
- c. A "Release" form ([Attachment A](#)) is not required for employee interviews with the news media.
- d. Interviews with employees should be scheduled so as not to interfere with the employee's assigned duties or work schedule.

2. Spontaneous Interviews

In case of spontaneous interviews where the employee appears in public on behalf of DOC in an official capacity as a DOC employee, the employee will report to the PIO the content of the interview. Private prison officials who act or appear in the interest of DOC will report to the Internal and External Communications director the

content of the interview.

D. Denial of Media Access (4-4279)

1. Offenders

Media access to offenders in a correctional facility may be denied by the director, associate director of Field Operations, affected division manager or Internal/External Communications director.

2. Correctional Employees

Media access to correctional employees may be denied by the director, associate director of Field Operations, affected division manager, or Internal/External Communications director when emergency conditions exist as described in Section VI. item D. of this procedure.

3. Notice of Denial

Whenever media access to a facility, an offender or correctional employee is denied due to reasons cited above, the director may provide reasons for the denial.

VII. References

Policy Statement No. P-020100 entitled "Management of Department of Corrections Information"

OP-060212 entitled "Maintenance and Access of Offender Records"

OP-110105 entitled "Employee Personnel Records"

OP-140108 entitled "Privacy of Protected Health Information"

25 O.S. 301 et. seq.

51 O.S. 24 A.1. et. seq.

74 O.S. 840-2.11

74 O.S. § 840-2.5

74 O.S. Ch. 62, App., Standard 257 20-1-4

"Media Relations Made Easier" handbook, published by the Internal/External Communications division

VIII. Action

The division managers are responsible for compliance with this procedure.

The director of Internal/External Communications Division is responsible for the annual review and revisions.

Any exceptions to this procedure will require prior written approval from the director.

This procedure will be effective as indicated.

Replaced: Operations Memorandum No. OP-020108 entitled "Information Requests and Release of Information from Agency Records and Media Access to the Department of Corrections" dated October 25, 2013

Deleted: Operations Memorandum No. OP-020108 Addendum-01 dated March 19, 2014

Distribution: Policy and Operations Manual
Agency Website

| <u>Attachments</u> | <u>Title</u> | <u>Location</u> |
|------------------------------|-------------------------------|-----------------|
| Attachment A | "Release" | Attached |
| Attachment B | "Employee/Media Contact Form" | Attached |