

Journal Entry Created: 07/03 08:04 AM Modified: 07/03 01:51 PM	Title: Re: Records request Category: Jet Open Records Diary date: 07/03/2011
---	--

E-mail activity 5-17-11 to 5-19-11 with the city attorney after Paul Blackledge asked for justification to withhold electronic records after having been denied agenda and minutes via e-mail. Last e-mail is first.

From: Blackledge
To: Shaw
Cc: Jet, FOI
Sent: Thu, May 19, 2011 7:46:49 AM
Subject: RE: Records request

Mr. Shaw,

OK, I will accept that we have circled back to where we started . I appreciate your patience in responding to this issue and your tolerance to my lack of writing skills and misspellings.

So I will let this issue rest for a while and summarize my conclusions as follows :

The trustees of the Town of Jet are allowed to ignore many of the definitions of "record" by some mystical application of the law . This refusal to release is yet another example of intentionally discouraging record requests . When the record is already on the town's computers in the form being requested and then is forced to be released in a different form creates an unnecessary waste to the environment and puts extra duties on personnel.

I think the board should adapt the release procedure to conform to the spirit of the Open Records Act which recognizes that the people have the inherent right to know and be fully informed about their government. Digital records by being searchable are much preferred over paper records. Records on spreadsheets in digital form is more useful than on paper.

I thank the people on the board who in my mind are heroes for their willingness to serve.

I can now go back to observer status and decide later whether to emulate General MacArthur or Chief Joseph whose quotes are "I shall return" and "I will fight no more forever" respectively.

Most appreciative,
Paul Blackledge

"Bill Shaw"

05/17/2011 04:05 PM

To Blackledge
cc Jet
Subject RE: Records request

Mr. Blackledge,
51 O.S. §24A.3 is merely the definition which includes the form of records that may be maintained that are to be produced under the Act. It is not a requirement that records be produced in any particular form.

§24A.6 specifically sets out the procedures for public bodies similar to the Town of Jet for production of records. The Board has adopted policies in compliance with the procedures of §24A.6. If you have a statute stating the obligation to produce records in electronic form other than the Definition section, I would be happy to review it.

The last sentence of §24A.2 specifically states "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."

Bill Shaw

E. W. "Bill" Shaw
Mitchell DeClerck
202 W. Broadway
Enid, Oklahoma 73701
580-234-5144
580-234-8890 (Facsimile)

From: Blackledge
Sent: Tuesday, May 17, 2011 03:27 PM
To: Bill Shaw
Cc: Jet, FOI
Subject: Re: Records request

Mr. Shaw,

Included in my request was that if you refuse to release the digital records , give the "chapter and verse" of the law that allows you to refuse . It appears to me that State law has hard copy records and digital records on equal footing when the records are created in digital form. Does your rationale mean that the town of Jet can refuse to provide all records if they wish ?

The ordinance is attempting to trump state law as recorded in the Open Records Act , title 51 section 24A. Therefore I need from the town of Jet the identification of the state law that allows the ordinance to exclude digital records .

Am I misunderstanding part of the record definition in Title 51 24A.3 that contains the following?

"Record" means all documents, including, but not limited to, and book, paper, ... files created by or used with computer software ... "

I added the underline .

Sincerely,
Paul Blackledge

"Bill Shaw"

05/17/2011 02:29 PM

To FOI, Blackledge

cc Jet

Subject Records request

Mr. Blackledge & others,

The state law may permit, but does not require, the Town of Jet to release records by electronic means. If the state law changes to require the release of public records by electronic means, the Board will adopt an appropriate policy for the Town of Jet.

At the present time the Board has adopted the policy that public records will be provided under the ordinance, a copy of which has been provided.

Bill Shaw

E. W. "Bill" Shaw
Mitchell DeClerck

202 W. Broadway
Enid, Oklahoma 73701
580-234-5144
580-234-8890 (Facsimile)