



STATE OF OKLAHOMA
OFFICE OF PERSONNEL MANAGEMENT

"Working for Oklahoma"

OPM 11-28

DATE: June 28, 2011

TO: All Appointing Authorities

FROM: Oscar B. Jackson, Jr., IPMA-CP 
Administrator and Cabinet Secretary
of Human Resources and Administration

**RE: The Oklahoma Supreme Court Renders Opinion in the
Oklahoma State Employee Birth Dates and Employee
Identification Numbers Case**

Today, June 28, 2011, the Oklahoma Supreme Court issued its opinion affirming the District Court of Oklahoma County's decision in *Oklahoma Public Employees v. State of Oklahoma ex rel. Oklahoma Office of Personnel Management and Oklahoma Office of State Finance*. The Oklahoma Supreme Court determined that based on the facts presented in the case the release of State employee birth dates and employee identification numbers constitutes a clearly unwarranted invasion of privacy under the Open Records Act. The Oklahoma Supreme Court's opinion is summarized as follows:

- 1) 52 O.S. Supp. 2005 §24A.7(A)(2) of the Open Records Act contains a non-exclusive list of examples of information, release of which may amount to a clearly unwarranted invasion of State employees' personal privacy;
- 2) Where a claim is made that disclosure under 52 O.S. Supp. 2005 §24A.7(A)(2) of the Open Records Act would constitute a clearly unwarranted invasion of personal privacy, application of a case-by-case balancing test is utilized to determine whether personal information is subject to release; and
- 3) When the balancing test is applied to the facts presented, where significant privacy interests are at stake while the public's interest either in employee birth dates or employee identification numbers is minimal, release of birth dates and employee identification numbers of State employees "would constitute a clearly unwarranted invasion of privacy" under 52 O.S. Supp. 2005 §24A.7(A)(2).

Should you have any questions regarding this release, please feel free to contact Kara I. Smith, OPM General Counsel at (405) 522-1736.

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