

SUPREME COURT OF OKLAHOMA

Brooke v. Reed

Brooke, 2025 OK 86 (Okla. 2025) · No. 121604 · Decided November 25, 2025

SUMMARY

The Oklahoma Supreme Court held that the Oklahoma Open Records Act does not require a public body to provide email records in their native file format or to disclose embedded metadata when the requested correspondence has been provided in PDF format. The court vacated the Court of Civil Appeals' opinion and affirmed the district court's grant of summary judgment to the Oklahoma State Department of Health. The opinion also concluded that the district court properly considered the agency's summary judgment motions after the evidentiary hearings.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Kane, J.; Kuehn, V.C.J.; Edmondson, J.; Gurich, J.; Darby, J.; Jett, J.; Rowe, C.J.; Winchester, J.; Combs, J.
JURISDICTION	Supreme Court of Oklahoma
DECIDED	November 25, 2025
DOCKET	121604
DISPOSITION	vacated
PROCEDURAL POSTURE	On certiorari from the Oklahoma Court of Civil Appeals, Division IV, after the district court granted the Oklahoma State Department of Health summary judgment in an Oklahoma Open Records Act action.
STANDARD OF REVIEW	Questions of statutory construction are reviewed de novo. Because the material facts were undisputed and the case presented a pure question of law, summary judgment was reviewed under that legal standard.
PRECEDENTIAL VALUE	Published Oklahoma Supreme Court opinion, but the source includes a notice stating that the opinion had not yet been released for publication and remained subject to revision or withdrawal.
PARTIES	Nicholles Brooke v. Keith Reed, RN, MPH, CPH, in his official capacity as Oklahoma State Department of Health Commissioner

TOPICS

statutory interpretation

administrative law

summary judgment

appellate procedure

standard of review

PRACTICE AREAS

Administrative law

Open records and freedom of information

Statutory interpretation

Civil procedure

Appellate procedure

QUESTIONS PRESENTED

1. Whether the Oklahoma Open Records Act requires a public body to provide copies of email records in their native file format, including embedded metadata.
2. Whether the district court erred by permitting and ruling on motions for summary judgment after evidentiary hearings concerning injunctive relief.

HOLDINGS

1. The Oklahoma Open Records Act does not require a public body to provide copies of email records in their native file format or to produce embedded metadata merely because the records exist in that format.
2. The district court did not err by permitting and ruling on the Department's motions for summary judgment after the evidentiary hearings because the material facts were undisputed and the case presented a pure question of law rather than a completed trial on the merits.

KEY QUOTATIONS

“We find the ordinary, everyday meaning of “data files” does not include embedded metadata. The term “data files” is broad, but it does not mean data about data.” (¶ 15)

“We hold that the ORA does not require a public body to provide copies of email records in their native file format.” (¶ 22)

FACTUAL BACKGROUND

Nicholles Brooke requested correspondence and other public records concerning the COVID-19 pandemic that were sent by Oklahoma State Department of Health personnel to Governor Stitt's office. He requested inspection or digital copies, later contending that digital copies required production of native email files containing embedded metadata. The Department produced more than 11,000 pages in PDF format and subsequently produced some emails in native format. The district court determined that the PDF production provided reasonable access and that the Oklahoma Open Records Act did not require production in native format.

PROCEDURAL HISTORY

Brooke requested COVID-19-related correspondence from the Oklahoma State Department of Health and sought declaratory and injunctive relief after filing suit while the request was still being processed. The Department produced more than 11,000 pages in PDF format and later produced some email messages in native format. The district court granted the Department summary judgment, concluding that the Oklahoma Open Records Act did not require production of native files and that the Department had substantially complied. The Court of Civil

Appeals reversed, but the Oklahoma Supreme Court granted certiorari, vacated the appellate opinion, and affirmed the district court.

DISPOSITION

vacated

CASES CITED

- Fanning v. Brown, 2004 OK 7, 85 P.3d 841
- Rickard v. Coulimore, 2022 OK 9, 505 P.3d 920
- Childers v. Arrowood, 2023 OK 74, 541 P.3d 825
- Thurston v. State Farm Mut. Auto. Ins. Co., 2020 OK 105, 478 P.3d 415
- Heath v. Guardian Interlock Network, Inc., 2016 OK 18, 369 P.3d 374
- Wagner v. Sheriff of Custer County, 2021 OK CIV APP 20, 492 P.3d 1240
- Roe v. Phillips County Hospital, 522 P.3d 277, 280-282 (Kan. 2023)
- O'Neill v. City of Shoreline, 240 P.3d 1149, 1152-1154 (Wash. 2010)
- Lake v. City of Phoenix, 218 P.3d 1004, 1007-1008 (Ariz. 2009)
- Paint Township v. Clark, 109 A.3d 796, 804 (Pa. Commw. Ct. 2015)
- Beyrer v. The Mule, LLC, 2021 OK 45, 496 P.3d 983
- Barnett v. Barnett, 1996 OK 60, 917 P.2d 473
- State ex rel. Department of Transportation v. Little, 2004 OK 74, 100 P.3d 707
- Hough v. Leonard, 1993 OK 112, 867 P.2d 438
- Mosier v. Oklahoma Property & Casualty Insurance Guaranty Association, 1994 OK 145, 890 P.2d 878
- Ford v. Ford, 1988 OK 103, 766 P.2d 950
- State ex rel. Board of Regents of the University of Oklahoma v. Lucas, 2013 OK 14, 297 P.3d 378
- Myers v. Missouri Pacific Railroad Co., 2002 OK 60, 52 P.3d 1014
- Lee v. Bueno, 2016 OK 97, 381 P.3d 736