

DISCLAIMER: *This is an unofficial version of the rules.* THE OFFICIAL RULES ARE PUBLISHED IN THE OKLAHOMA ADMINISTRATIVE CODE AND THE OKLAHOMA REGISTER, AS REQUIRED BY 75 O.S., SECTION 250 ET SEQ. TO ORDER AN OFFICIAL COPY OF THESE RULES, CONTACT THE OFFICE OF ADMINISTRATIVE RULES AT (405) 521-4911.

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING PERMANENT RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 308.1(A), WITH AN EFFECTIVE DATE OF September 13, 2019:

**Title 75 - Attorney General
Chapter 20 - ADDRESS CONFIDENTIALITY PROGRAM**

75:20-1-1. Purpose

This chapter establishes administrative procedures necessary to implement the Address Confidentiality Program.

75:20-1-2. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless context clearly indicates otherwise.

"ACP" means Address Confidentiality Program.

"Address Confidentiality Program" means the statutorily created program responsible for implementing the provisions of 22 O.S., §§ 60.14 et. seq. within the Office of the Oklahoma Attorney General.

"Application Assistant" means a representative of a designated agency who is a domestic violence and/or sexual assault advocate that has been trained and registered by the Office of the Oklahoma Attorney General to assist individuals in the application process.

"Authorization Card" means the card issued by the ACP Program Manager to a program participant upon certification identifying them as a program participant.

"Authorization Number" means a number assigned to a program participant by the ACP Program Manager upon certification.

"Certification" means the process by which an applicant is determined eligible to participate in the program.

"Designated Agency" means a state or local agency, federal government, a federally recognized tribal government agency, or a nonprofit agency that provides counseling, shelter, or other services to victims of domestic abuse, sexual assault, or stalking that has been designated by the Office of Attorney General as a place where persons apply to be program participants.

"Minor" means a person who is less than eighteen (18) years of age.

"Program Manager" means the employee of the Victim Services Unit of the Office of Attorney General designated by the Oklahoma Attorney General to administer the Address Confidentiality Program.

"Record" means a public record as defined in 51 O.S., § 24A.3.

"Substitute Mailing Address" means the address assigned to a program participant by the Victim Services Unit of the Office of Attorney General.

75:20-1-3. Forms and informational material

The Attorney General has prepared the following forms and informational materials related to this Chapter:

- (1) Application Assistant Agreement Form
- (2) Application Assistant Training Manual
- (3) Application Assistant Guide
- (4) Address Confidentiality Program Application
- (5) Program Agreement
- (6) Authorization Card
- (7) Change of Address Form
- (8) Address Confidentiality Program Brochure
- (9) ACP Implementation in Public Schools
- (10) Participant Verification Form

75:20-1-4. Application assistants

(a) Prior to being designated as an application assistant, an individual must:

- (1) Attend required training sessions provided by the ACP;
- (2) Agree to adhere to the policies, procedures and directions provided by the ACP for rendering assistance to program applicants; and
- (3) Complete and sign an application assistant agreement form.

(b) Upon completion of the registration process, the ACP will notify the application assistant of such designation.

(c) Designation as an application assistant is valid for two years.

(d) The application assistant agrees not to discriminate against any client, or potential program participant, because of race, creed, color, national origin, gender, sexual orientation, age, or mental, physical or sensory disability.

(e) An application assistant is not deemed to be an employee of the Office of Attorney General nor an agent of the Office of Attorney General in any manner whatsoever. An application assistant shall not hold himself/herself out as, nor claim to be an officer or employee of the Office of Attorney General or the State of Oklahoma and shall not make any claim, demand, or application to or for any right or privilege applicable to an officer or employee of the Office of Attorney General or of the State of Oklahoma.

(f) In the event an application assistant no longer wishes to be designated as such or leaves his or her present position, the application assistant shall provide written notification to the ACP Program Manager.

(g) An application assistant's designation may be canceled by the Office of Attorney General for failing to abide by the requirements set forth in this Section or for failing to act in accordance with the requirements of the Address Confidentiality Program.

75:20-1-5. Criteria for program participation

To participate in the Address Confidentiality Program, an individual must meet the following criteria:

- (1) A person attempting to escape from actual or threatened domestic violence, sexual assault, human sex trafficking, or stalking, or a person residing with another person who is attempting to escape from actual or threatened domestic violence, sexual assault, human sex trafficking, or stalking;
- (2) Fears for his or her safety and/or the safety of other family members;
- (3) Recently established a residence address in Oklahoma unknown to the abuser or is planning to move in the near future, and
- (4) Is eighteen (18) years of age or older or a parent or guardian acting on behalf of a minor or incapacitated person.

75:20-1-6. Applying for participation

(a) Any person meeting the criteria to be a program participant who wishes to apply to the Address Confidentiality Program shall complete the required application packet. The application packet consists of an Address Confidentiality Program Application and a Program Agreement.

(b) The application packet shall be obtained from an Application Assistant at a designated agency to assist persons in the application process.

(c) The completed and signed application packet shall be filed with the ACP.

(d) *Any assistance or counseling rendered to applicants shall in no way be construed as legal advice.* [22 O.S., § 60.14(H)]

75:20-1-7. Certification

(a) Upon approval of the completed application by the ACP, the applicant is certified as a program participant, assigned a substitute address, and issued an authorization card. The authorization card includes the program participant's name, date of birth, authorization number, substitute mailing address, certification expiration date, and participant's signature.

(b) The term of a program participant's certification shall be four (4) years.

75:20-1-8. Certification renewal

(a) A program participant may renew program certification by filing with the ACP the following information:

- (1) The participant's current authorization card;
- (2) A properly completed renewal application; and
- (3) A new signed authorization card.

(b) The term of renewal shall be an additional four (4) year term.

75:20-1-9. Certification withdrawal and cancellation

(a) A program participant may withdraw from participating in the program by submitting to the ACP written notice of withdrawal and his or her current authorization card. The withdrawal will be effective on the day of receipt of the notification by the ACP.

(b) The ACP Program Manager shall cancel a program participant's certification and invalidate his or her authorization card if:

- (1) A program participant's certification term has expired and a renewal application has not been filed.
- (2) A program participant knowingly provided false or incorrect information when applying for certification.
- (3) A program participant obtains a name change.

(c) The Program Manager may cancel a program participant's certification for any of the following reasons:

- (1) The program participant no longer resides at the residential address listed on the application and has not provided written notice after the change in address has occurred.
- (2) Mail forwarded to the participant is returned non-deliverable or unclaimed.

(d) The ACP shall attempt to notify the participant of the cancellation at the last known mailing or residential address, by phone or by email.

75:20-1-10. Use of the substitute address

(a) The substitute address serves as the participant's residence, school, and work address.

(b) When creating state and local government or tribal records or updating existing records, a program participant shall show the participant's authorization card to the agency and request address confidentiality using the substitute address.

(c) The agency employee assisting the program participant may make a file photocopy of the authorization card.

(d) The agency shall accept the substitute address unless the agency has received a written exemption from the Office of Attorney General. See OAC 75:20-1-14.

(e) The agency shall not question the program participant about the details or circumstances of the participant's inclusion in the program.

(f) All mail addressed to the participant at the substitute address shall include the authorization number appearing on the participant's authorization card.

(g) Mail received at the substitute address will be forwarded by the ACP Program Manager at no charge to the participant at the participant's actual mailing address with the exception of magazines, books, periodicals, packages, and junk mail.

(h) Delivery of a participant's mail may be delayed as much as three (3) to five (5) days. It is important to remember this fact when sending time sensitive documents to a participant.

(i) The Office of Attorney General shall not be required to track or otherwise maintain records of any mail received on behalf of a participant unless the mail is certified or registered.

75:20-1-11. Public schools

(a) At the time of enrollment, a student participating in the ACP shall go to the school's administrative office for assistance and present the student's authorization card.

(b) The school shall contact the ACP Program Manager and request verification of enrollment eligibility.

(c) Eligibility for enrollment will be determined using the residence address shown in the participant's records.

(d) The ACP will notify the school of its findings both verbally and in writing.

(e) If questions are raised regarding the student's eligibility, the ACP Program Manager will work directly with the school superintendent or the superintendent's designee to resolve the matter.

(f) All school correspondence mailed to the student and/or the student's parent or guardian shall be sent to the substitute address.

(g) Requests for the transfer of a student's records from one school to another shall be handled by the ACP Program Manager upon written authorization from the parent or guardian.

75:20-1-12. Voter registration

(a) An ACP participant who is otherwise qualified to vote may register to vote as an ACP participant voter through the State Election Board. [OAC 230:15-5-83.1]

(b) ACP participants who become registered as ACP participant voters may vote only by absentee ballot. ACP participant voters will receive absentee ballots by mail at the participant's substitute address for all local, state and national elections in which the participant is eligible to vote. [OAC 230:15-5-83.1(a)]

(c) All records pertaining to an ACP participant voter shall be maintained in a manner ensuring these records are accessible only to authorized personnel and shall not be publicly accessible.

(d) The name, address, precinct number, and absentee ballots of any ACP participant voter shall not be released to any person for any

purpose except by court order. Additionally, the name, address, precinct number, and absentee ballots of any ACP participant voter shall not appear on any list or report produced by either the State Election Board or County Election Board. [OAC 230:15-5-73(d)]

(e) The ACP shall notify the State Election Board when an ACP participant voter's:

- (1) program certification has expired;
- (2) program certification has been withdrawn or canceled;
- (3) absentee ballot is returned non-deliverable;
- (4) residence address changes.

75:20-1-13. Service of process

(a) The Victim Services Unit of the Office of Attorney General is designated as agent for service of process and receipt of mail for all ACP participants.

(b) Service on the Office of Attorney General of any summons, writ, notice, demand or process can be made by mailing to the substitute address or by delivering in person to the Victim Services Unit of the Office of Attorney General, 313 NE 21st Street, Oklahoma City, OK 73105.

(c) When a summons, writ, notice, demand or process is served on the Office of Attorney General, the ACP Program Manager shall immediately forward a copy to the program participant by first-class mail at the participant's current mailing address shown on the ACP records.

(d) The ACP Program Manager shall maintain in the program participant's file, a record of all summonses, writs, notices, demands, and processes served upon the Office of Attorney General for that participant, which shall include the date of such service and the action taken.

75:20-1-14. Agency exemption

(a) An agency requesting an exemption under 22 O.S. § 60.14(F) must provide in writing to the Office of Attorney General the following:

- (1) Identification of the statute or administrative rule that demonstrates the agency's bona fide requirement and authority for the use of the actual address of the participant;
- (2) Identification and description of the specific record for which the exemption is requested;
- (3) Identification of the individual(s) who will have access to the record;
- (4) An explanation of how the acceptance of a substitute address will prevent the agency from meeting its obligations under the statute or rule identified above; and
- (5) An explanation of why the agency cannot meet its statutory or administrative obligations by a change in its internal procedures.

(b) The determination of the Office of Attorney General to grant or deny a request for exemption will be based on, but not limited to, an evaluation of the information provided under this Section.

(c) If the Office of Attorney General determines that an agency has a bona fide statutory or administrative requirement for the use of a program participant's actual address and that the address will be used only for those statutory and administrative purposes, the Office of Attorney General may issue a written exemption for the agency. The written exemption may include:

(1) An agency's obligation to maintain the confidentiality of a program participant's address;

(2) Limitations on the use and access to the address;

(3) Term during which the exemption is authorized for the agency;

(4) Designation of the record format on which the address information may be maintained;

(5) Designation of an address information disposition date after which the agency may no longer maintain a record of the address information.

(6) Any provisions and qualifications determined appropriate by the Office of Attorney General.

(d) The denial by the Office of Attorney General of an agency exemption request shall be made in writing and include a statement of the specific reasons therefore.

(e) The Office of Attorney General shall keep a record of all exemptions and all documentation relating to requests for exemption.

75:20-1-15. Disclosure of records

(a) The Office of Attorney General shall not make any records in a program participant's files available for inspection or copying unless directed by a court order to the person identified in the order. [22 O.S., § 60.14(G)] The participant information disclosed to a person identified in a court order shall be maintained in strict confidentiality by the party receiving the information.

(b) The Office of Attorney General may verify the participation of a specific program participant to state, local, federal or tribal government agencies, in which case the Office of Attorney General may only confirm information supplied in writing to the Office of Attorney General by the requestor. State or local agencies are prohibited from knowingly and intentionally disclosing a program participant's actual address unless disclosure is permitted by law.

(c) The substitute address assigned to an ACP participant is not confidential.

(d) The ACP Program Manager shall provide immediate notification of disclosure to the ACP participant when disclosure takes place, if not otherwise prohibited by law.