

Completing an On-line OPRA Records Request

This form may be used to request access to government records electronically. What follows is assistance and instructions on helping you complete the form so the records custodian will be able to promptly respond to your request.

Requestors are not required to use this OPRA request form; however, a written equivalent not containing the form requirements of N.J.S.A. 47:1A-5(f) and N.J.S.A. 47:1A-5(g) may be denied by a custodian.

Determine the Municipal Office, County Department or State Agency that has the record you are looking for

It is very important that you have determined what record(s) you are seeking and that you have determined which office, department or agency can help you. A records custodian can only respond to a request for specific records. A request to an incorrect office, department, or agency is not considered a valid request and OPRA rights would not apply.

Provide Contact Information

To assist the custodian in fulfilling your request, we may need to contact you for additional information about the record(s) you are requesting, to advise you of any fees, to tell you when they will be available, or to advise you if the record(s) you request cannot be disclosed. The form has room for your name, address, phone number, or your e-mail address. Please fill in enough information so the agency custodian can contact you. If you do not provide enough information, your request may be denied. If you want us to contact you by phone, please put in your number and the best time to contact you during business hours.

Requestors may submit requests anonymously. A request submitted anonymously shall not be considered incomplete. N.J.S.A. 47:1A-5(f). If you elect not to identify yourself accurately or provide an accurate address, e-mail address, or telephone number, the custodian is not required to respond until you reappear before the custodian seeking a response to the original request. Further, anonymous requestors are prohibited from filing a complaint with either the GRC or the Courts. N.J.S.A. 47:1A-6.

Convicted of an Indictable Offense

All requesters must certify that they have not been convicted of an indictable offense in New Jersey, any other state, or of the United States. If you have not been convicted, check no. If you have been convicted and you are requesting personal information, you may be required to provide information about your victim and their families before the request will be fulfilled. This includes anonymous requests for said information. N.J.S.A. 47:1A-2.2

Delivery of Information

Please tell us how you would like us to send you the information. There will be an additional fee for the delivery service.

Payment Information

You may be charged a prepayment or a deposit when a request for copies exceeds \$5.00. The custodian will contact you and advise you of any deposit requirements. You agree to pay the balance due upon delivery of the records. If there is a charge to provide copies or access to records, the custodian will contact you to arrange payment before the request is fulfilled.

Records Request Information

Please clearly identify the record(s) you are seeking. Be certain to include all information that may be necessary for the custodian to fulfill the request. Your request will not be considered complete, and the response period will not start until until the custodian has enough information to fulfill the request. The applicable response time does not commence until the custodian of the records you are requesting receives the request, not another employee of the office. N.J.S.A. 47:1A-5(h) That employee must either forward the request to the appropriate custodian or direct you to the appropriate custodian.

Please remember that there is certain information that public agencies may not disclose. This has particular reference to personal information, information related to domestic security, and other records. Exceptions to disclosure can be found on pages 2 & 3 of the OPRA request form and under N.J.S.A.47:1A-1.1.

The records custodian of the office, agency, or department from which you are requesting records will generally have seven (7) business days to respond, unless:

- 1.) *The requestor seeks "immediate access" records as outlined in N.J.S.A. 47:1A-5(e); where the custodian must respond "immediately" disclosing responsive records not to exceed twenty-four (24) months old.*
- 2.) *The requestor seeks information required to be disclosed by N.J.S.A. 47:1A-3(b), where the custodian must respond disclosing the information within twenty-four (24) hours or as a soon as practical;*
- 3.) *The requestor is seeking records for a "commercial purpose" as defined in N.J.S.A. 47:1A-1.1, where the response time frame is fourteen (14) business days, but the custodian shall notify the requestor of the additional time within seven (7) business days. N.J.S.A. 47:1A-5(i). However, the response time frame can be reduced to seven (7) business days upon payment of no more than two times the cost to produce the responsive records.*
- 4.) *The requestor is seeking records requiring review for compliance with "Daniel's Law" (N.J.S.A. 47:1B-1, et seq.), where the response time frame is fourteen (14) business days, but the custodian shall notify the requestor of the additional time within seven (7) business days. N.J.S.A. 47:1A-5(i).*
- 5.) *Fire district employing one or fewer full-time employees serving as custodians may add seven (7) business days to the seven (7) or fourteen (14) business day response time frames.*

RESPONSE TO YOUR RECORDS REQUEST

By law, the responding agency must notify you that it grants or denies a request for access to government records within the applicable response time frame after the custodian receives the request. If the record requested is in storage, the custodian will advise you within seven (7) or fourteen (14) business days after receipt of the request when the record can be made available and the estimated cost for reproduction within no more than twenty-one (21) business days from date of notification. N.J.S.A. 47:1A-5(i).

You may be denied access to a government record if your request would substantially disrupt agency operations, and the custodian is unable to reach a reasonable solution with you. N.J.S.A. 47:1A-5(g).

If the custodian is unable to comply with your request for access to a government record, they will indicate the specific bases for denial on the request form or other written correspondence and send it to you.

Except as otherwise provided by law or by agreement with the requester, if the custodian fails to respond to you in writing within seven (7) or fourteen (14) business days of receiving a request, the failure to respond is a deemed denial of your request. N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i).

Challenging Denial of Access

If your request for access to a government record has been denied or unfilled within the seven (7) or fourteen (14) business days required by law, you have a right to challenge the decision by the responding agency to deny access. At your option, you may either: 1) institute a proceeding in the Superior Court of New Jersey; or 2) file a complaint with the Government Records Council ("GRC") by completing the Denial of Access Complaint Form. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County. Questions regarding the GRC's Denial of Access Complaint process can be directed to the GRC toll-free telephone at 866-850-0511, by mail at PO Box 819, Trenton, NJ, 08625, by e-mail at Government.Records@dca.nj.gov, or at their web site at www.state.nj.us/grc. The Council can answer general inquiries about OPRA.