

Request for Access to Government/Public Records



The City of Orange Township, New Jersey
Office of the City Clerk

This form is for use in requesting access to government/public records maintained by the City of Orange Township. The last page of this form contains important information related to your rights concerning government records. Please read it carefully. Requests may be submitted electronically to trobinson@orangenj.gov or by mail to:

City of Orange Township, Office of the City Clerk
ATTN: Joyce Lanier, Custodian of Records
29 North Day Street
Orange, New Jersey 07050

Telephone: (973) 952-6344
Fax: (973) 672-6643

Part A Requestor Information

Requestor Name	Company (if applicable)	
Address	E-mail	Phone

If you are requesting records containing personal information, state and certify under penalty of *N.J.S.A. 2C:28-3*, whether you have been convicted of any indictable offense under the laws of New Jersey, or any equivalent offense-level of any other state or the United States.

No
 Yes

Signature: _____

Date: _____

Part B Record Request/Delivery & Payment Information

Fees to duplicate records are as follows: (a) letter-sized (8.5" x 11") pages, \$ 0.05/page; legal-sized (8.5" x 14") pages, \$ 0.07/page; other media (e.g., CD, DVD, etc.), actual cost. Delivery/postage fees may be also charged, depending upon delivery type selected.

NOTE: Additional service fees may be charged for extraordinary work relating to the request. Your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

Preferred Delivery Method <input type="checkbox"/> Pick-Up <input type="checkbox"/> US Mail <input type="checkbox"/> On-Site Inspection <input type="checkbox"/> E-mail (if available)	Maximum Authorized Cost	Payment Method <input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> Money Order
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Describe Records Requested (be as specific as possible)

FOR OFFICE USE

Estimated Costs/Deposit	Disposition Notes	Tracking Information	Final Cost
Est. Document Cost _____	Custodian: If any part of request cannot be delivered in 7 business days, detail reasons.	OPRA # _____	Total _____
Est. Delivery Cost _____		Rec'd Date _____	Deposit _____
Est. Extra Costs _____		Ready Date _____	Balance Due _____
Est. Total Cost _____		Total Pages _____	Total Paid _____
Deposit Amount _____		<u>Records Provided</u>	
Est. Balance _____			
Deposit Date _____			
	In Progress (Open) _____		
	Denied (Closed) _____		
	Filled (Closed) _____		
	Partial (Closed) _____		
		Custodian Signature _____	Date _____

Deposits

The custodian may require a deposit against costs for reproducing documents sought through an anonymous request whenever the custodian anticipates that the documents requested will cost in excess of \$5.00 to reproduce.

Where a special service charge is warranted under OPRA, that amount will be communicated to you as required under the statute. You can review and object to the charge prior to it being incurred. If, however, you approve of the fact and amount of the special service charge, you may be required to pay a deposit or pay in full prior to reproduction of the documents.

YOUR REQUEST FOR RECORDS IS DENIED FOR THE FOLLOWING REASON(S):

To be completed by the Custodian of Records. If multiple records are requested, be specific as to which exemption(s) apply to each record. Response is due to requestor as soon as possible, but no later than 7 business days, except during a period declared pursuant to the laws of this State as a state of emergency, public health emergency, or state of local disaster emergency.

N.J.S.A. 47:1A-1.1

- Inter-agency or intra-agency advisory, consultative or deliberative material.
- Legislative records.
- Law enforcement records:
 - Medical examiner photos.
 - Criminal investigatory records (however *N.J.S.A. 47:1A-3(b)* lists specific criminal investigatory information which must be disclosed).
 - Victims' records.
- Trade secrets and proprietary commercial or financial information.
- Any record within the attorney-client privilege.
- Administrative or technical information regarding computer hardware, software and networks which, if disclosed would jeopardize computer security.
- Emergency or security information or procedures for any buildings or facility which, if disclosed, would jeopardize security of the building or facility or persons therein.
- Security measures and surveillance techniques which, if disclosed, would create a risk to the safety or persons, property, electronic data or software.
- Information which, if disclosed, would give an advantage to competitors or bidders.
- Information generated by or on behalf of public employers or public employees in connection with:
 - Any sexual harassment complaint filed with a public employer.
 - Any grievance filed by or against an employee.
 - Collective negotiations documents and statements of strategy or negotiating.
- Information that is communication between a public agency and its insurance carrier, administrative service organization or risk management office.
- Information that is to be kept confidential pursuant to court order.
- Certificate of honorable discharge issued by the United States government (Form DD-214) filed with a public agency.
- Social security numbers.
- Credit card numbers.
- Unlisted telephone numbers.
- Driver license numbers.
- Certain records of higher education institutions:
 - Research records.
 - Questions or scores for exam for employment or academics.
 - Charitable contribution information.
 - Rare book collections gifted for limited access.
 - Admission applications.
 - Student records, grievances or disciplinary proceedings revealing a students' identification.
- Biotechnology trade secrets. *N.J.S.A. 47:1A-1.2.*
- Convicts requesting their victims' records. *N.J.S.A. 47:1A-2.2.*
- Ongoing investigations of non-law enforcement agencies (must prove disclosure is inimical to the public interest). *N.J.S.A. 47:1A-3(a).*
- Public defender records. *N.J.S.A. 47:1A-5(k).*
- Upholds exemptions contained in other State or federal statutes and regulations, Executive Orders, Rules of Court, and privileges created by State Constitution, statute, court rule or judicial case law. *N.J.S.A. 47:1A-9.*
- Personnel and pension records (however, the following information must be disclosed under *N.J.S.A. 47:1A-10*):
 - a. An individual's name, title, position, salary, payroll record, length of service, date of separation and the reason for such separation, and the amount and type of any pension received.
 - b. When required to be disclosed by another law, when disclosure is essential to the performance of official duties of a person duly authorized by this State or the US, or when authorized by an individual in interest.
 - c. Data contained in information which disclose conformity with specific experiential, educational or medical qualifications required for government employment or for receipt of a public pension, but not including any detailed medical or psychological information.

N.J.S.A. 47:1A-1

- "[A] public agency has a responsibility and an obligation to safeguard from public access a citizen's personal information with which it has been entrusted when disclosure thereof would violate the citizen's reasonable expectation of privacy."

See Burnett v. County of Bergen, 198 N.J. 408 (2009): Without ambiguity, the court held that the privacy provision "is neither a preface nor a preamble." Rather, "the very language expressed in the privacy clause reveals its substantive nature; it does not offer reasons why OPRA was

adopted, as preambles typically do; instead, it focuses on the law's implementation. ... Specifically, it imposes an obligation on public agencies to protect against disclosure of personal information which would run contrary to reasonable privacy interests."

Executive Order No. 21 (McGreevey 2002)

- Records where inspection, examination or copying would substantially interfere with the State's ability to protect and defend the State and its citizens against acts of sabotage or terrorism, or which, if disclosed, would materially increase the risk or consequences of potential acts of sabotage or terrorism.
- Records exempted from disclosure by State agencies' proposed rules.

Executive Order No. 26 (McGreevey 2002)

- Certain records maintained by the Office of the Governor.
- Resumes, applications for employment or other information concerning job applicants while a recruitment search is ongoing.
- Records of complaints and investigations undertaken pursuant to the Model Procedures for Internal Complaints Alleging Discrimination, Harassment or Hostile Environments.
- Information relating to medical, psychiatric or psychological history, diagnosis, treatment or evaluation.
- Information in a personal income or other tax return.
- Information describing a natural person's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness, except as otherwise required by law to be disclosed.
- Test questions, scoring keys and other examination data pertaining to the administration of an examination for public employment or licensing.
- Records in the possession of another department (including NJ Office of Information Technology or State Archives) when those records are made confidential by regulation or Executive Order No. 9.
- Other exemption(s) contained in a State statute, resolution of either or both houses of the Legislature, regulation, Executive Order, Rules of Court, any federal law, federal regulation or federal order pursuant to *N.J.S.A. 47:1A-9(a)*:

(Provide detailed information regarding the exemption from disclosure for which you are relying to deny access to government records. If multiple records are requested, be specific as to which exemption(s) apply to each record.)

REQUEST FOR RECORDS UNDER THE COMMON LAW

If, in addition to requesting records under OPRA, you are also requesting the government records under the common law, please check the box below.

A public record under the common law is one required by law to be kept, or necessary to be kept in the discharge of a duty imposed by law, or directed by law to serve as a memorial and evidence of something written, said, or done, or a written memorial made by a public officer authorized to perform that function, or a writing filed in a public office. The elements essential to constitute a public record are that it be a written memorial, that it be made by a public officer, and that the officer be authorized by law to make it.

- Yes, I am also requesting the documents under common law.

If the information requested is a "public record" under common law and the requestor has a legally recognized interest in the subject matter contained in the material, then the material must be disclosed if the individual's right of access outweighs the State's interest in preventing disclosure.

Please set forth your interest in the subject matter contained in the requested material:

Note that any challenge to a denial of a request for records under the common law cannot be made to the Government Records Council, as the Government Records Council only has jurisdiction to adjudicate challenges to denials of OPRA requests. A challenge to the denial of access under the common law can be made by filing an action in the Superior Court of New Jersey.

YOUR RIGHTS CONCERNING GOVERNMENT RECORDS

1. All government records are subject to public access under the Open Public Records Act ("OPRA"), unless specifically exempt.
2. A request for access to a government record under OPRA must be in writing, hand-delivered, mailed, transmitted electronically, or otherwise conveyed to the appropriate custodian. *N.J.S.A. 47:1A-5(g)*. The 7-business day response time does not commence until the records custodian receives the request form, and does not apply during a period declared pursuant to the laws of this State as a state of emergency, public health emergency, or state of local disaster emergency, *N.J.S.A. 47:1A-5(i)(2)*. If you submit the request form to any other officer or employee of the City of Orange Township, that officer or employee must either forward the request to the appropriate custodian or direct you to the appropriate custodian. *N.J.S.A. 47:1A-5(h)*.
3. Requestors may submit requests anonymously. If you elect not to provide a name, address, or telephone number, or other means of contact, the custodian is not required to respond until you reappear before the custodian seeking a response to the original request.
4. The fees for duplication of a government record in printed form are listed on the front of this form. We will notify you of any special service charges or other additional charges authorized by State law or regulation before processing your request. Payment shall be made by cash, check or money order payable to the City of Orange Township.
5. You may be charged a 50.00% or other deposit when a request for copies exceeds \$25.00. The City of Orange Township's custodian will contact you and advise you of any deposit requirements. You agree to pay the balance due upon delivery of the records. Anonymous requests in excess of \$5.00 require a deposit of 100.00% of estimated fees.
6. Under OPRA, a custodian must deny access to a person who has been convicted of an indictable offense in New Jersey, any other state, or the United States, and who is seeking government records containing personal information pertaining to the person's victim or the victim's family. This includes anonymous requests for said information.
7. By law, the City of Orange Township must notify you that it grants or denies a request for access to government records within 7 business days after the agency custodian of records receives the request, except during a period declared pursuant to the laws of this State as a state of emergency, public health emergency, or state of local disaster emergency. If the record requested is not currently available or is in storage, the custodian will advise you within 7 business days after receipt of the request when the record can be made available and the estimated cost for reproduction.
8. 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.
9. If the City of Orange Township is unable to comply with your request for access to a government record, the custodian will indicate the reasons for denial on the request form or other written correspondence and send you a signed and dated copy.
10. Except as otherwise provided by law or by agreement with the requester, if the agency custodian of records fails to respond to you within 7 business days of receiving a request, the failure to respond is a deemed denial of your request.
11. If your request for access to a government record has been denied or unfilled within the 7 business days required by law, you have a right to challenge the decision by the City of Orange Township to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council ("GRC") by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or through its web site at www.state.nj.us/grc. The Council can also answer other questions about the law. All questions regarding complaints filed in Superior Court of New Jersey should be directed to the Court Clerk in the applicable county.
12. Information provided on this form may be subject to disclosure under the Open Public Records Act.