

DEPOSITS:

The Records 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 to reproduce.

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

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 as 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 requester 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 Superior Court.

IMPORTANT INFORMATION REGARDING ALL OPRA REQUESTS:

1. All government records are subject to public access under the Open Public Records Act (“OPRA”), unless specifically exempted.
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 seven (7) business day response time does not commence until the Records Custodian receives the request. If you submit the request to any other office or employee of the County of Cumberland, that office 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. Requesters may submit requests anonymously. If you elect to not 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 first page 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 “**County of Cumberland**”.
5. You may be charged 50% of the total fee, or a different deposit amount, when a request for copies exceeds \$25. The Custodian will contact you and advise you of any deposit requirements. You hereby agree to pay the balance due upon delivery of the records. Anonymous requests in excess of \$5 require a full payment of the estimated fees.
6. Under OPRA, a Records 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 County of Cumberland must notify you that it grants or denies a request for access to government records within seven (7) business days after the agency Records Custodian receives that request. If the record requested is not currently

available or is in storage, the Records Custodian will advise you within seven (7) business days after receipt of the request when the records can be made available and provide you with 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 County of Cumberland is unable to comply with your request for access to a government record, the Custodian will indicate the reasons for the denial of the request.
10. Except as otherwise provided by law or by agreement with the requester, if the agency Records Custodian fails to respond to you within seven (7) business days of receiving the request, the failure to respond is deemed as a denial of your request.
11. If your request for access to government records has been denied or unfulfilled within the seven (7) business days required by law, you have a right to challenge the decision by the County of Cumberland 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 866-580-0511, by mail at PO Box 819, Trenton, NJ 08625, by e-mail at grc@dca.state.nj.us, or by their website at www.state.nj.us/grc. The Council can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Superior Court Clerk in your County.
12. Information provided on this form may be subject to disclosure under the Open Public Records Act.

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

This section is to be completed by the Custodian of Records – check the box of the numbered exemption(s) as they apply to the records requested. If multiple records are requested, be specific as to which exemption(s) apply to each record.

Response is due to requester as soon as possible, but no later than seven (7) business days

- 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, 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 statement of strategy or negotiation;
- Information that is a 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;
- Drivers license numbers;

- Certain records of higher education institutions:
 - Research records;
 - Questions or scores for exams for employment or academics;
 - Charitable contribution information;
 - Rare book collections gifted for limited access;
 - Admission applications;
 - Student records, grievances or disciplinary proceedings revealing a student's identification;
- Biotechnology trade secrets N.J.S.A. 47:1A-1.2;
- Convicted criminals requesting their victim's 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):
 - An individual's name, title, position, salary, payroll record, length of service, date of separation, and the reason for such separation, the amount and type of any pension received;
 - 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 U.S., or when authorized by an individual in interest;
 - 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-10;
 - "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." N.J.S.A. 47:1A-1.

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 or complaints and investigations undertaken pursuant to the Model Procedures for Internal Complaints Alleging Discrimination, Harassment or Hostile Work 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)

