

State of New Jersey Government Records Council

Statement of Information Form

This form is to be used by Records Custodians as their response to a complaint filed with the Government Records Council (“GRC”), alleging an unlawful denial of access to government records under the Open Public Records Act (“OPRA”), N.J.S.A. 47:1A-1, *et seq.*

GENERAL INSTRUCTIONS:

1. The Records Custodian or the Custodian’s Legal Counsel may complete the Statement of Information. **However, the *Records Custodian* must sign the Statement of Information.**
2. The GRC will also consider any legal briefs, additional documentation, or information submitted with the Statement of Information. **NOTE:** if an individual other than the Records Custodian handled/responded to the OPRA request at issue, that individual must also provide a separate certification.
3. If applicable, **DO NOT** include any communications that occurred during mediation regarding this matter. N.J.S.A. 2A:23C-2; N.J.A.C. 5:105-2.5(f) & (j).
4. Please do not staple the completed Statement of Information if returned by regular mail.
5. The signed Statement of Information shall be returned to:

Government Records Council
101 South Broad Street
P.O. Box 819
Trenton, NJ 08625-0819
Phone: (609) 292-6830
Fax: (609) 633-6337
Government.Records@dca.nj.gov

6. The Statement of Information must be completed and returned by no later than **five (5) business days** from receipt. Failure to comply with this deadline may result in the GRC adjudicating this complaint based only on the information submitted in the Denial of Access Complaint by the Requestor.
7. **A copy of this Statement of Information must be simultaneously provided to the Complainant.** N.J.A.C. 5:105-2.4(f).

DEFINITIONS: “Records request” or “request” refers to the formal OPRA request on which the complaint is based; “Requestor” or “Complainant” refers to the person who made the request at issue; “Agency” refers to the public agency or subdivision of that agency that is the subject of the OPRA request; and “Records Custodian” or “Custodian” refers to the individual officially designated to fulfill the OPRA request at issue.

PART 1: CONTACT INFORMATION

1. Name of Complainant: _____

2. Name of Custodian: _____

Job Title: _____

3. Custodian's Public Agency: _____

4. Address: _____

Phone: _____

Fax: _____

E-mail: _____

5. Name of Custodian's Legal Counsel: _____

Counsel's Title: _____

Firm/Employer: _____

Address: _____

Phone: _____

Fax: _____

E-mail: _____

*** Note: Until the Custodian's Counsel submits a formal letter of representation to all parties, the GRC will communicate exclusively with the Custodian. See N.J.A.C. 5:105-1.3 & 2.2.**

PART 2: THE DENIAL OF ACCESS COMPLAINT

6. Attach a copy of the OPRA request at issue. Please mark this attachment “Item 6.”
7. Indicate the date on which the Custodian received the OPRA request at issue (if the Custodian did not receive an OPRA request, simply indicate, “None received”).

8. Indicate the date on which the Custodian responded to the OPRA request at issue. Provide all written documentation supporting the Custodian’s response (if the Custodian did not respond to the OPRA request, simply indicate, “No response was given”). **IMPORTANT:** Do not provide any complete or excerpted records the Custodian claims are privileged or not accessible to the public under OPRA. A general description of the records’ content will suffice. If additional pages are needed, please mark each page “Item 8.”

9. Pursuant to N.J.S.A. 47:1A-7(e) and the New Jersey Supreme Court’s instruction in Paff v. N.J. Dep’t of Labor, 392 N.J. Super. 334 (App. Div. 2007), the Custodian **must** provide a document index table containing the following information. The table **shall** be in the format presented below.

An example of the table format is as follows:

(A) List of all records responsive to Complainant’s OPRA request (include # of pages for each record).	(B) List the Records Retention Period and Disposition Schedule for each responsive record to the Complainant’s OPRA request.	(C) List of all records provided to Complainant, with redactions or in their entirety (include the date such records were provided).	(D) If records were disclosed with redactions, give a general nature description of the redactions.	(E) If records were denied in their entirety, give a general nature description of the record.	(F) List the legal explanation and statutory citation for the denial of access to records with redactions or in their entirety.
Closed session minutes for the May 15, 2006 Council Meeting.	Must be retained by agency permanently. Disposition Schedule: May be archived only (destruction not allowed).	Closed session minutes provided with redactions on June 20, 2007 (3 business days after receiving the OPRA request).	Redactions were made only to delete the discussion of the Council members regarding the personnel matter of Jane Doe.	N/A	<u>N.J.S.A. 47:1A-9(a)</u> (allows exemptions from disclosure contained in other state statutes to apply under OPRA) and <u>N.J.S.A. 10:4-12</u> (allows governing bodies to exclude the public from discussions of personnel matters).

The categories within the table above are described herein:

- A. An itemized list of all records responsive to the Complainant's OPRA request that were made, maintained, kept on file, or received by the Agency on the date of the request, regardless of whether the records were deemed exempt from disclosure.
 - B. State the Agency's Records Retention Period (in years) and Disposition Schedule (in years) for each responsive record as established and approved by the New Jersey Department of Treasury, Records Management Services ("RMS").
 - C. Indicate what records, if any, were provided to the Complainant, either in their entirety or with redactions, and the date(s) provided.
 - D. Of the responsive records provided to the Complainant with redactions, give a general nature description of the redactions.
 - E. Of the responsive records that were *not* provided to the Complainant at all, give a general nature description of the record.
 - F. Specifically state the legal explanation and statutory citation (to OPRA or any other law that may apply) for such denial pursuant to N.J.S.A. 47:1A-6 and Paff v. NJ Dep't of Labor, 392 N.J. Super. 334 (App. Div. 2007). **DO NOT** encapsulate the Custodian's entire justification for denying access within this column; such information instead should be provided under "Item 12" below.
10. Specifically describe the search undertaken to satisfy the OPRA request at issue:
11. Specifically state the last date on which documents that may have been responsive to the request were destroyed in accordance with the Records Disposition Schedule established and approved by Records Management Services ("RMS"):

ITEM 9 TABLE

<p>(A) List of all records responsive to Complainant's OPRA request (include # of pages for each record).</p>	<p>(B) List the Records Retention Period and Disposition Schedule for each responsive record to the Complainant's OPRA request.</p>	<p>(C) List of all records provided to Complainant, <i>with redactions</i> or <i>in their entirety</i> (include the date such records were provided).</p>	<p>(D) If records were disclosed <i>with redactions</i>, give a general nature description of the redactions.</p>	<p>(E) If records were denied <i>in their entirety</i>, give a general nature description of the record.</p>	<p>(F) List the legal explanation and statutory citation for the denial of access to records <i>with redactions</i> or <i>in their entirety</i>.</p>

12. Provide all facts and legal arguments in support of the Custodian's actions with regard to the handling of the OPRA request at issue herein and/or on an attached written statement marked "Item 12."

If the Custodian fails to complete this form completely and accurately (responding to each numbered item specifically as directed and providing a document index in table format), this form shall be returned to the Custodian for proper completion, thus prolonging the adjudication of the complaint.

By signing this Statement of Information, I certify under penalty of perjury that:

- I am the Custodian charged by the public agency with the responsibility for responding to the request for records on which this complaint is based; *or*
- I am the alleged Custodian of an organization that I do not believe is subject to the provisions of OPRA;
- The documents attached hereto are true copies of all documents sent or received by the Custodian or the Custodian’s staff (records the custodian claims are privileged or not accessible to the public under OPRA are **not** included);
- A copy of this Statement of Information will be provided to the Complainant and the GRC simultaneously; and
- The foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment pursuant to the New Jersey Court Rule 1:4-4.

Signature: _____

Printed Name: _____

Job Title: _____

Date: _____