

The Open Public Records Act

**New Jersey Government Records Council
Video 1**



**Government
Records Council**

The background features three overlapping squares with rounded corners, each with a thick border. The colors of the borders transition from a light peach at the top to a muted purple at the bottom. A large, semi-transparent purple star is positioned in the upper right quadrant, partially overlapping the squares.

What is OPRA?

- New Jersey statute governing access to government records maintained by public agencies.
- Provides requestors with statutory **right** to access records.
- All limitations on access shall be construed in favor of the public.
- Again, it is the requestor's **right** to access records.



The background features a decorative graphic consisting of three overlapping squares with rounded corners. The squares are rendered in a light orange color with a subtle gradient. A large, five-pointed star in a light brown color is positioned in the upper right quadrant, partially overlapping the squares. The text "When is OPRA used?" is centered over this graphic.

When is OPRA used?

- When the requestor chooses to invoke the statute.
- What does this mean?
 - Requestor chooses to submit an OPRA request (what constitutes a valid request is addressed in future slide).
 - Custodians do not decide when requestor must use OPRA.



The background features a decorative graphic consisting of three overlapping squares with rounded corners. The squares are rendered in a light orange and beige color palette. A large, semi-transparent star is positioned in the upper right quadrant, overlapping the squares. The text is centered over this graphic.

**Are there other ways
to request records?**

- Yes. OPRA is not the only way requestors can access records.
- What other request options exist?
 - Common law requests.
 - Discovery requests.
 - Administrative/Informal requests (example: requestor comes to Clerk's counter and verbally asks to review minute book).
- GRC can only provide guidance regarding OPRA requests.
- GRC cannot provide guidance regarding other types of records requests.



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**Who can request
records under OPRA?**

- Anyone!
- Although OPRA references "citizens of this State," the Attorney General's Office advises that OPRA does not prohibit access to residents of other states.
- A requestor may even file an OPRA request anonymously.



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What is an OPRA Request?

- A request on official OPRA request form (either agency's form or GRC's Model Request Form).
- Written request (letter, fax, e-mail) that clearly references OPRA.
- If written request does not mention OPRA anywhere, it is not an OPRA request.
- Verbal requests are never OPRA requests.





OPRA Request Example: Official Form

File Home Insert Page Layout References Mailings Review View Developer Add-Ins Nuance PDF Acrobat Design Layout

Arial 14 B I U abc x² x² Font Paragraph Styles

Emphasis AaBbCcDdEe AaBbCcDdEe AaBbCcDdEe AaBbCcDdEe AaBbCcDdEe

Find Replace Select Editing



AGENCY NAME HERE

OPEN PUBLIC RECORDS ACT REQUEST FORM

Agency Address
Agency Telephone Number & Fax Number
Agency e-mail address
Name of Agency Custodian



Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

Requestor Information – Please Print

First Name Joe MI _____ Last Name _____ Citizen _____

E-mail Address Requestor@someemail.com

Mailing Address 123 Any Street

City Any City State NJ Zip 00000

Telephone 609-555-5555 FAX 609-555-5555

Preferred Delivery: Pick Up US Mail On-Site Inspect Fax E-mail

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I HAVE / HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

Signature Joe Citizen Date May 1, 2012

Payment Information

Maximum Authorization Cost \$ _____

Select Payment Method

Cash Check Money Order

Fees: Letter size pages - \$0.05 per page
Legal size pages - \$0.07 per page
Other materials (CD, DVD, etc) – actual cost of material

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that 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.

I would like a copy of the City's open and closed session meeting minutes from January 1, 2012 to the present date. Kindly send to my e-mail address at Requestor@someemail.com.



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**OPRA Request
Example: Valid
Non-Form Request**

File

Home

Insert

Page Layout

References

Mailings

Review

View

Developer

Add-Ins

Nuance PDF

Acrobat

Print
LayoutFull Screen
ReadingWeb
Layout

Outline



Draft

Document Views



Ruler

Gridlines



Zoom



100%



One Page

Two Pages

Page Width

Zoom

New
WindowArrange
All

Split



View Side by Side

Synchronous Scrolling

Reset Window Position

Window

Switch
Windows

Macros

Macros

May 1, 2012

Attention: Municipal Clerk, Any City, New Jersey

Sent via facsimile

Dear Clerk,

Please accept this facsimile as my official request for records under the State's Open Public Records Act. I would like a copy of the City's open and closed session meeting minutes from January 1, 2012 to the present date. Kindly send to my e-mail address at Requestor@someemail.com.

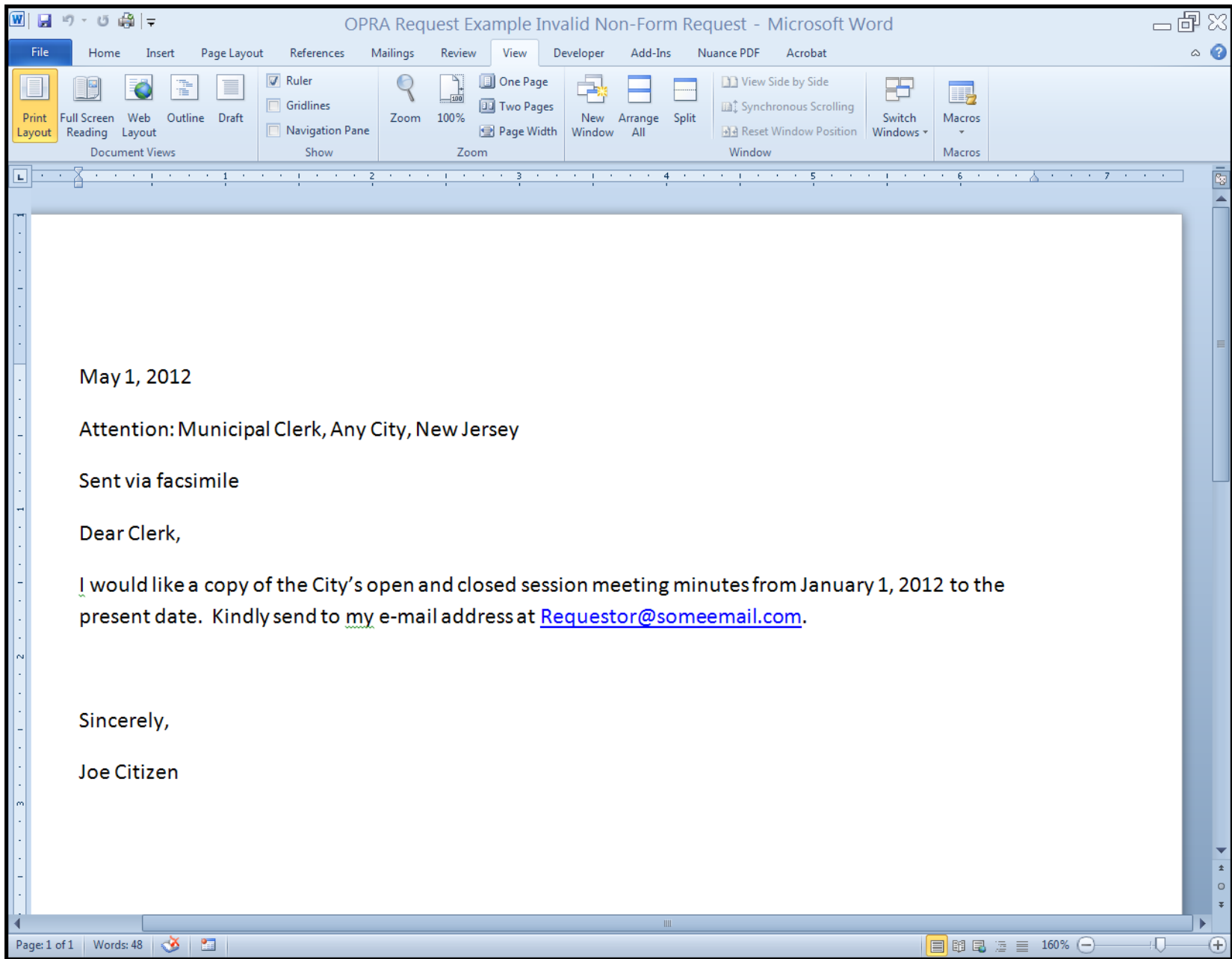
Sincerely,

Joe Citizen



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**OPRA Request
Example: Invalid
Non-Form Request**



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OPRA Request Form Requirements

- Every public agency is required to adopt an official OPRA request form.
- GRC's Model Request Form is available to download.
 - www.nj.gov/grc/custodians/request
- Agencies may create their own request form, but be careful not to include “misinformation.”



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Statutory Form Requirements

- Space for the name, address, and phone number of the requestor and brief description of the government record sought;
- Space for the custodian to indicate which record will be made available, when the record will be available, and the fees to be charged;
- Specific directions and procedures for requesting a record;
- A statement as to whether prepayment of fees or a deposit is required;



- The time period within which the public agency is required to make the record available;
- A statement of the requestor's right to challenge a decision by the public agency to deny access and the procedure for filing an appeal;
- Space for the custodian to list reasons if a request is denied in whole or in part;
- Space for the requestor to sign and date the form;
- Space for the custodian to sign and date the form if the request is fulfilled or denied.



A decorative graphic consisting of three overlapping squares with rounded corners, each with a thick border. The squares are in shades of light orange and beige. A large, five-pointed star in a light beige color is positioned to the right of the squares, partially overlapping them.

Let's Review

- Who chooses when an OPRA request is submitted?
- Is OPRA the only way to request records?
- Can residents of other states request records under OPRA?
- Do all OPRA requests have to be on an official form?
- What is required of a non-form written request to be considered a valid OPRA request?
- Are verbal requests valid under OPRA?

