

The Open Public Records Act

**New Jersey Government Records Council
Video 2**



**Government
Records Council**

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

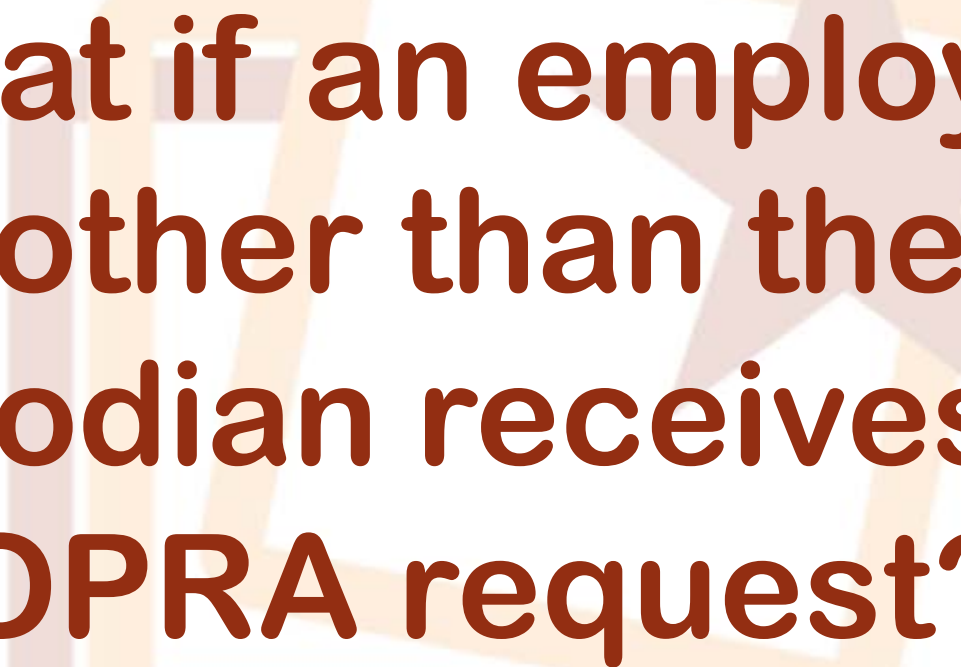
How Does a Requestor Submit an OPRA Request?

- Requests can be hand delivered, mailed, transmitted electronically, or otherwise conveyed to the appropriate custodian.
- Agencies may limit submission options based on technological capabilities.
- Cannot impose an unreasonable obstacle for requestor!



- **Example:** City of East Orange does not accept faxed OPRA requests, but accepts all other methods.
 - This limitation does not present an unreasonable obstacle on the requestor.
- **Example:** XYZ agency only accepts hand delivered requests.
 - This presents an unreasonable obstacle on the requestor.
- Remember, all limitations on access shall be construed in favor of the public.



The background features a large, faint graphic consisting of a light purple star with five points, overlaid on a light orange square outline with rounded corners. The text is centered over this graphic.

**What if an employee
other than the
custodian receives the
OPRA request?**

- Employee **must** do either of the following (employee chooses which option she prefers):
 1. Return the request to the requestor and direct requestor to proper custodian; or
 2. Accept the request and forward it to proper custodian.
- Every employee of an agency has an obligation under OPRA, not just custodian.



The background features a large, faint 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.

What is a “government record” under OPRA?

- All records that are made, maintained, kept on file, or received in the course of official business.
 - Paper
 - Written or printed book
 - Document
 - Drawing
 - Map
 - Plan



- Photograph
 - Microfilm
 - Data processed or image processed document
 - Information stored or maintained electronically
 - Information stored or maintained by sound-recording or in a similar device
 - Any copy of the above.
- This means everything! Not just records that are required to be maintained on file.



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What government records can a requestor access under OPRA?

- Almost everything.
- 24 categories of records that are not accessible to the public (list is contained in Handbook for Records Custodians). If record does not fit into any category, it is subject to public access.
- Think: granting access is the **RULE**. Denying access is the **EXCEPTION**.
- A custodian's default mindset should be that everything can be disclosed.



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**Who is the official
records custodian?**

- Municipality - the municipal clerk or other department head if made known to the public.
 - Example: many police departments name their own records custodian.
- Any other public agency - the officer officially designated by formal action of that agency's director or governing body, as the case may be.



The background features a large, faint 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 behind the text, centered on the right side of the page.

What is a “public agency” under OPRA?

- Principal departments in Executive branch of State government, or any agency within or created by such department.
 - Examples: NJ Department of Community Affairs and NJ Government Records Council
- Legislature of the State and any agency within or created by Legislative Branch.
 - Example: Office of Legislative Services.



- Any independent State authority, commission, instrumentality or agency.
 - Example: State Ethics Commission
- Political subdivision of the State, or any entity created by a political subdivision
 - Examples: municipalities, League of Municipalities and school districts.



A decorative graphic consisting of three overlapping squares with rounded corners, each in a different shade of brown and tan. A large, five-pointed star in a light brown color is positioned to the right of the squares, partially overlapping them.

Let's Review

- Can a requestor submit an OPRA request by e-mail?
- Can an employee who is not the records custodian refuse to accept an OPRA request?
- What is a “government record” under OPRA?
- Are any records exempt from public access?
- Who is the custodian for a State agency?

