

**New Jersey Department of Health
Office of Legal and Regulatory Compliance
GOVERNMENT RECORDS REQUEST**

IMPORTANT NOTICE: The second page of this form contains important information related to your rights concerning government records. Please read carefully.

Requester Information – Please Print	Payment Information
First Name _____ MI ____ Last _____ Email Address _____ Mailing Address _____ City _____ State: _____ Zip _____ Telephone _____ FAX _____ Preferred Delivery Pick Up US Mail On-site Inspection E-mail Under penalty of <u>N.J.S.A. 2C:28-3</u> , I certify that: 1. I HAVE / HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States; 2. I, or another person, WILL / WILL NOT use the requested government records for a commercial purpose; 3. I AM / AM NOT seeking records in connection with a legal proceeding. Signature: _____ Date: _____	Maximum Authorized Cost \$ _____ Select Payment Method Cash Check Money Order Fees: Letter size - \$0.05/page Legal size - \$0.07/page Other materials (CD, DVD, etc.) - actual cost of material Electronic Records: shall be provided free of charge, but agency may charge for cost of media, programming, clerical, supervisory assistance and/or substantial use of technology information. Delivery: Delivery/postage fees additional depending upon delivery type. Additional Charges: Special service charge may be assessed if extraordinary time/effort is required.

RECORDS REQUEST INFORMATION
Please be as specific as possible in describing the records being requested.

NOTE: If you confirmed above that the records sought are in connection with a legal proceeding, identification of that proceeding is required below.

FOR AGENCY USE ONLY			
Est. Document Cost: \$ _____ Est. Delivery Cost: \$ _____ Est. Extras Cost: \$ _____ Total Est. Cost: \$ _____ Deposit Amount: \$ _____ Est. Balance: \$ _____ Deposit Date: _____	Disposition Notes: <i>Custodian: If any part of the request cannot be delivered in seven business days, detail reasons here.</i> In Progress-Open _____ Denied-Closed _____ Filled- Closed _____ Partial-Closed _____	Tracking #: _____ Rec'd Date: _____ Ready Date: _____ Total Pages: _____ Documents Provided: _____ _____ _____	Finalized Cost: Total \$ _____ Deposit \$ _____ Balance Due \$ _____ Balance Paid \$ _____ _____ (Custodian Signature) Date: _____

PUBLIC ACCESS TO GOVERNMENT RECORDS

1. All "government records" as defined in N.J.S.A. 47:1A-1.1 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, or transmitted electronically to the appropriate custodian. N.J.S.A. 47:1A-5(g). The New Jersey Department of Health will not accept submission of a request form by fax. In accordance with OPRA, custodians will generally have seven (7) business days to respond, unless:
 - The requestor seeks "immediate access" records as outlined in N.J.S.A. 47:1A-5(e); where the custodian must respond "immediately" disclosing responsive records not to exceed twenty-four (24) months old.
 - The requestor seeks information required to be disclosed by N.J.S.A. 47:1A-3(b), where the custodian must respond disclosing the information within twenty-four (24) hours or as a soon as practical;
 - The requestor is seeking records for a "commercial purpose" as defined in N.J.S.A. 47:1A-1.1, where the response time frame is fourteen (14) business days, but the custodian shall notify the requestor of the additional time within seven (7) business days. N.J.S.A. 47:1A-5(i). However, the response time frame can be reduced to seven (7) business days upon payment of no more than two times the cost to produce the responsive records.
 - The requestor is seeking records requiring review for compliance with "Daniel's Law" (N.J.S.A. 47:1B-1, et seq.), where the response time frame is fourteen (14) business days, but the custodian shall notify the requestor of the additional time within seven (7) business days. N.J.S.A. 47:1A-5(i).
 - Fire district employing one or fewer full-time employees serving as custodians may add seven (7) business days to the seven (7) or fourteen (14) business day response time frames.
- The applicable response time does not commence until the custodian receives the request form. N.J.S.A. 47:1A-5(h). If you submit the request form to any other officer or employee, the recipient must either forward the request to the appropriate custodian or direct you to the appropriate custodian. Id.
3. Requestors are not required to use this OPRA request form; however, a written equivalent not containing the form requirements of N.J.S.A. 47:1A-5(f) and N.J.S.A. 47:1A-5(g) may be denied by a custodian.
 4. Requestors may submit requests anonymously. A request submitted anonymously shall not be considered incomplete. N.J.S.A. 47:1A-5(f). If you elect not to identify yourself accurately or provide an accurate address, e-mail address, or telephone number, the custodian is not required to respond until you reappear before the custodian seeking a response to the original request. Further, anonymous requestors are prohibited from filing a complaint with either the GRC or the Courts. N.J.S.A. 47:1A-6.
 5. 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 charges, special service charges, or other additional charges authorized by State law or regulation before processing your request. Payment shall be made in check or money order, payable to the "State of New Jersey."
 6. You may be charged a prepayment or deposit when a request for copies exceeds \$5.00. The custodian will contact you and advise you of any deposit requirements. You agree to pay the balance due upon delivery of the records.
 7. By State Law, a custodian must deny access to a person who is convicted of an indictable offense in New Jersey, any other state, or the United States, who is seeking government records containing personal information pertaining to the person's victim or the victim's family.
 8. By law, the New Jersey Department of Health must notify you that it grants or denies a request for access to government records within applicable response time frame after the custodian receives the request. If the record requested is in storage, the custodian will advise you within seven (7) or fourteen (14) business days after receipt of the request when the record can be made available and the estimated cost for reproduction within no more than twenty-one (21) business days from date of notification. N.J.S.A. 47:1A-5(i).
 9. 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. N.J.S.A. 47:1A-5(g).
 10. If the custodian is unable to comply with your request for access to a government record, they will indicate the specific bases for denial on the request form or other written correspondence and send it to you.
 11. Except as otherwise provided by law or by agreement with the requester, if the custodian fails to respond to you in writing within seven (7) or fourteen (14) business days of receiving a request, the failure to respond is a deemed denial of your request. N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i).
 12. If your request for access to a government record has been denied or unfilled within the seven (7) or fourteen (14) business days required by law, you have a right to challenge the decision by the responding agency to deny access. At your option, you may either: 1) institute a proceeding in the Superior Court of New Jersey; or 2) file a complaint with the Government Records Council ("GRC") by completing the Denial of Access Complaint Form. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County. Questions regarding the GRC's Denial of Access Complaint process can be directed to the GRC toll-free telephone at 866-850-0511, by mail at PO Box 819, Trenton, NJ, 08625, by e-mail at Government.Records@dca.nj.gov, or at their web site at www.state.nj.us/grc. The Council can answer general inquiries about OPRA.
 13. Information provided on this form may be subject to disclosure under the Open Public Records Act.

DEPOSITS

The custodian may require a deposit against costs for reproducing documents whenever the custodian anticipates that the documents requested will cost in excess of \$5 to reproduce. N.J.S.A. 47:1A-5(f).

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 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 – 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 requestor as soon as possible, but no later than seven (7) or fourteen (14) business days. See page 5 for additional response details**)

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 and/or OPRA requests submitted by victims seeking their own records

Personal firearms records or personal identifying information connected to any license authorizing hunting with a firearm.

Trade secrets and proprietary commercial or financial information

Any record within the attorney-client privilege

Administrative or technical information regarding computer hardware, tablets, telephones, electronic computing devices, software applications, and networks or devices operation them 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

Security alarm system activity and access reports, including video footage the disclosure of which does not compromise the integrity of the security system

Information which, if disclosed, would give an advantage to competitors or bidders including detailed or itemized cost estimates prior to bid opening

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 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 (commonly Form DD-214 or NGB-22) filed with a public agency

Oath of allegiance, oath of office, or other affirmation; except that full name, title, and oath date.

Privacy Information:

 Social security numbers

 Credit card or debit card numbers

 Bank account information

 Month and day of birth

 Personal e-mail address required by a public agency for government applications, services, or programs

 Telephone numbers

 Drivers' license numbers

 Primary or secondary addresses for covered persons or immediate family members per N.J.S.A. 47:1B-1 (Daniel's Law)

Portion of any document disclosing personal information of any person provided to a public agency for sole purpose of receiving official notifications

Lists (including personal information) of persons identifying as in need of special assistance in the event of an emergency maintained by a municipality or county

Portion of any record disclosing the personal identifying information of a person under 18 years old

Personal identifying information contained on domestic animal permits, license, and registrations.

Metadata

New Jersey Firemen's Association financial relief applications

Owner and maintenance manuals

HIPAA information and indecent or graphic images of a person's intimate parts as defined in N.J.S.A. 47:1A-5.2

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:

- 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
- 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
- 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**

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."

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 EO 9.

Other Exemption(s) contained in a State statute, resolution of either or both House 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).

(Please 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 Superior Court.