

**OPEN PUBLIC RECORDS ACT REQUEST FORM**

**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 \_\_\_\_\_ MI \_\_\_\_\_ Last Name \_\_\_\_\_

Email Address \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone: \_\_\_\_\_ FAX \_\_\_\_\_

Preferred Delivery: Pick Up [ ] U.S. Mail [ ] On-Site Inspect [ ] Email [ ] Fax [ ]

**Check 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 \_\_\_\_\_ Date \_\_\_\_\_

**Payment Information**

Maximum Authorized Cost: \$ \_\_\_\_\_

**Select Payment Method:**

- [ ] Cash
- [ ] Check
- [ ] Money Order

**Fees:**

- \$0.05 / Letter-size page
- \$0.07 / Legal-size page
- Actual cost of other material (e.g., CD, DVD)

**Delivery:** Delivery / postage fees are extra depending upon delivery type.

**Extras:** Special service charges dependent upon request.

**Record Request Information:** Please be as specific as possible in describing the requested records. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means to do so and the records will not be jeopardized by such method of delivery.

**LIBRARY USE ONLY**

Est. Records Fees	_____
Est. Postage Fees	_____
Est. Other Fees	_____
Est. Total Fees	_____
Deposit Amount	_____
Estimated Balance	_____

Disposition Notes	
If any part of this request can not be provided in 7 days, requestor must be notified (see reverse side).	
Completed	- _____%
Partially Completed	- _____%
Denied	- _____%
_____ Division Representative Signature	
_____ Date Request Completed	

Tracking # _____	Final Cost _____
Rec'd Date _____	
Est. Ready Date _____	
Total Pages _____	<b>Total:</b> _____
Documents Provided _____	<b>Deposit:</b> _____
_____	<b>Balance Due:</b> _____
_____	<b>Balance Paid:</b> _____
_____	<b>Custodian Signature</b> _____
_____	<b>Date</b> _____

## DEPOSITS

The 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 as required under the statute. The requestor can review and object to the charge prior to it being incurred. If, however, the requestor approves of the fact and amount of the special service charge, the requestor may be required to pay a deposit or pay in full prior to reproduction of the documents.

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

Custodian of Records: Check all boxes of the numbered exemption(s) that apply to the requested records. If multiple records are requested, be specific as to applicable exemption(s) to each record. **Response is due to requestor as soon as possible, but no later than seven (7) business days.**

#### 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 that 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 building 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 of persons, property, 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 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 for 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 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 student's 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 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 duty authorized by the 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 no 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 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 to 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 exemptions(s) apply to each record.)

**REQUEST FOR RECORDS UNDER THE COMMON LAW**

In addition to requesting records under OPRA, you are also requesting the government records under the common law, please check "Yes" 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.

Requestor: Please set forth your interest in the subject matter contained in the requested material:

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**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.**

1. All government records 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, 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 form. If you submit the request form to any other officer or employee of the Library, that officer 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. Requestors may submit requests anonymously. If the requestor elects not to provide a name, address, or telephone number, or other means of contact, the custodian is not required to respond until the requestor reappears 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 front of this form. The requestor will be notified of any special service charges or other additional charges authorized by State law or regulation before the request is processed. Payment shall be made by cash, check or money order payable to the Woodbridge Public Library.  
**The requestor may be charged a 50% or other deposit when a request for copies exceeds \$25.** The Library custodian will contact the requestor to advise him / her of any deposit requirements. The requestor agrees to pay the balance due upon delivery of the records. Anonymous requests in excess of \$5 require a deposit of 100% of estimated fees.
6. Under OPRA, a 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 Woodbridge Public Library must notify you that it grants or denies a request for access to government records within seven (7) business days after its custodian of records receives the request. If the record requested is not currently available or is in storage, the custodian will advise you within seven (7) business days after receipt of the request when the record can be made available and the estimated cost for reproduction.
8. The requestor may be denied access to a government record if the request would substantially disrupt agency operations and the custodian is unable to reach a reasonable solution with the requestor.
9. If the Woodbridge Public Library is unable to comply with a request for access to a government record, the custodian will indicate the reasons for denial on the request form or other written correspondence and send the requestor a signed and dated copy of the same.
10. Except as otherwise provided by law or by agreement with the requestor, if the agency custodian of records fails to respond to a requestor within seven (7) business days of receiving a request, the failure to respond is a deemed denial of the request.
11. If a request for access to a government record has been denied or unfilled within the seven (7) business days required by law, the requestor has have a right to challenge the decision by the Woodbridge Public Library to deny access. The requestor has the option of either instituting a proceeding in the Superior Court of New Jersey or filing a complaint with the Government Records Council ("GRC") by completing the Denial of Access Complaint Form. The requestor may contact the GRC by toll-free telephone at 866-850-0511; by mail at PO Box 819, Trenton, NJ, 08625; by email at [grc@dca.state.nj.us](mailto:grc@dca.state.nj.us) or via their website at [www.state.nj.us/grc](http://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 Court Clerk in the requestor's county.
12. Information provided on this form may be subject to disclosure under the Open Public Records Act.

- < Approved - Board of Library Trustees - November 21, 2002 >
- < Revised - Board of Library Trustees - October 21, 2010 >
- < Revised - Library Administration - April 1, 2015 >
- < Approved - Board of Library Trustees - May 21, 2015 >