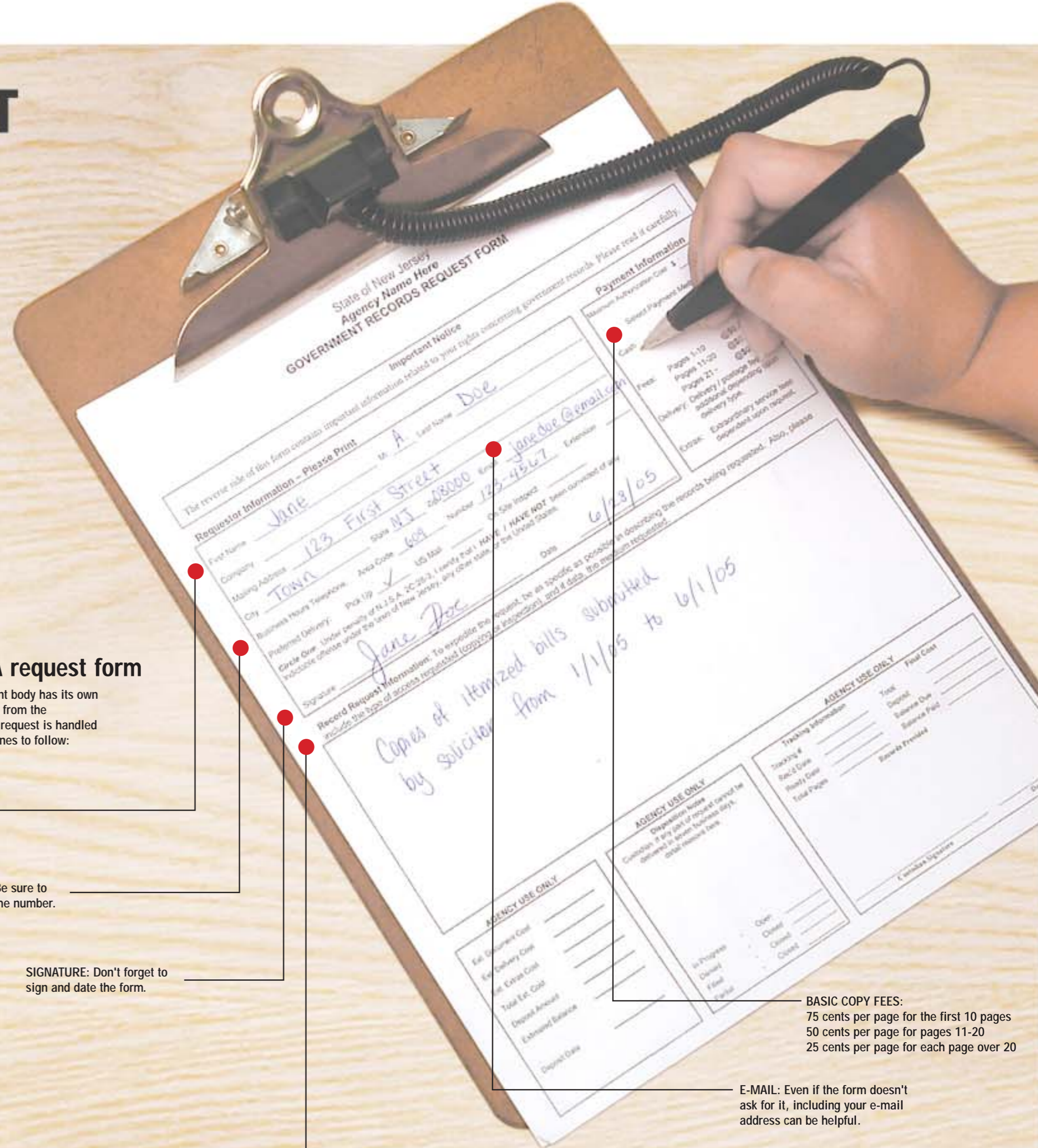


HOW TO USE THE OPEN PUBLIC RECORDS ACT A STEP-BY-STEP GUIDE

According to New Jersey's Open Public Records Act, "government records shall be readily accessible for inspection, copying or examination by the citizens of this state, with certain exceptions, for the protection of the public interest." Unfortunately, it's not always as easy to gain access to public documents as the act makes it sound. Here are the steps involved and some tips to help along the way:



How to fill out an OPRA request form

Each municipality, agency or other government body has its own request form, but at right is a suggested form from the Government Records Council. To ensure your request is handled as quickly as possible, here are some guidelines to follow:

NAME: Make sure your name and all other information are legible.

PHONE NUMBER: Be sure to include your daytime number.

SIGNATURE: Don't forget to sign and date the form.

BASIC COPY FEES:
75 cents per page for the first 10 pages
50 cents per page for pages 11-20
25 cents per page for each page over 20

E-MAIL: Even if the form doesn't ask for it, including your e-mail address can be helpful.

Commonly requested information and how to ask for it

All government records are assumed to be accessible to the public except for certain exceptions explained within OPRA. The types of records that are accessible include things such as minutes of regular public meetings; budgets; bills; vouchers; and contracts, including collective bargaining agreements, individual employment contracts and public employee salary and overtime information.

MEETING MINUTES: Specify board, date of meeting, topic or other identifying information.

ORDINANCES OR RESOLUTIONS: Specify topic, number or other identifying information.

POLICE ACCIDENT REPORTS: Specify date, location or other identifying information.

BUDGETS: Specify what part of the budget you want, time period or other identifying information.

BILLS: Specify timeframe, type of bills paid, for what kind of services or other identifying information.

Source: New Jersey Government Records Council's A Citizen's Guide to the Open Public Records Act

List of exceptions

Some records that are exempt from disclosure include:

- Inter- or intra-agency advisory, consultative or deliberative material.
- Trade secrets or proprietary commercial or financial information.
- Any record within the attorney-client privilege.
- Administrative or technical information about computers that, if disclosed, would jeopardize their security.
- Emergency or security information regarding any building or facility that, if disclosed, would compromise security.
- Security or surveillance information that, if disclosed, could risk the general safety of the public.
- Information that, if disclosed, would give an advantage to competitors or bidders.
- Information about sexual harassment complaints or grievances and information between an agency and an insurer.
- Files maintained by the public defender in any case considered confidential.
- Personal information such as Social Security, drivers' license, credit card and unlisted phone numbers (additional protections are granted to victims of crimes).
- Information kept confidential under court order.
- More specific information about exceptions can be given by the records custodian within any government agency or through the Government Records Council.
- OPRA does not cover private businesses, not-for-profit organizations, or the judicial branch of government.

Source: New Jersey Government Records Council's A Citizen's Guide to the Open Public Records Act

START

1. Do you know which record you want?

OPRA applies to requests for specific records, not isolated facts, according to the state. Before you request information, you'll need to determine which record is likely to contain the information you want.

NO

Call the government agency or county, municipal or school board office and ask to speak to the custodian of records. This person will be able to help determine which records are likely to answer your request. Court records are obtained through the courts system.

YES

2. Is the record available to the public?

Most records are assumed to be open to the public, but some are not. See exceptions list at bottom right.

DON'T KNOW

Call the government agency or county, municipal or school board office and ask to speak to the custodian of records. This person will be able to help determine whether the records are likely to be open to the public.

YES

3. Do you have the proper form to make your request?

Requests must be made in writing on the proper form. Requests can be mailed or hand-delivered. In some cases, they can be filed online or faxed.

NO

Some government agencies provide the form on their Web sites. Ask the custodian where to get the proper paperwork.

YES

4. Did you get the record you requested?

The custodian must respond as soon as possible, but he or she has seven business days. At that time, you should either receive access to the record, notice that the record will not be available or notice of how long the record will take to produce. Some records that should be readily available to the custodian, such as meeting minutes, invoices and vouchers, must be produced immediately.

NO

If you are denied access to a record — or if you feel the custodian's declaration of when the record will be available is an unreasonable period of time — you can file an appeal. You have two choices:

CHOICE A

You can skip the Government Records Council step by appealing directly to the court system, but it will cost at least \$200.

CHOICE B

Call the Government Records Council at (866) 850-0511. The council will attempt to negotiate a resolution.

YES

5. Be prepared to pay.

OPRA guarantees access to public records, but you'll have to pay if you want to take them home. Costs are 75 cents per page for the first 10 pages, 50 cents for the next 10 pages and 25 cents for each page beyond that. In addition, you might be charged for efforts to locate the records, although you must be told ahead of time if there will be any charge for finding the records. You also can view most records onsite without making copies.

YES

Did the GRC successfully negotiate for your record request to be released?

NO

If the council can't negotiate a resolution, you can file a formal complaint and the GRC will investigate. All efforts to solve the problem by the records council are free. If the council finds in your favor and the government agency appeals to court, the council will defend its findings for you in court for free. If the GRC finds against you, you can appeal to the courts at your own cost.

Congratulations on properly using the Open Public Records Act to keep a watchful eye on your public servants. Please continue to use this process in the future.

Definition of the Public Records Act

The Open Public Records Act is a state law, similar in nature to the federal Freedom of Information Act. It is intended to:

- Expand the public's right of access to government records.
- Set up an administrative appeals process if access is denied.
- Define what records are and are not government records and determine whether they should be accessible to the public.

Source: New Jersey Government Records Council's A Citizen's Guide to the Open Public Records Act

Definition of Freedom of Information Act

The Freedom of Information Act is a long-standing federal version of New Jersey's more recent Open Public Records Act. The Freedom of Information Act applies to federal agencies, which are required to disclose records requested in writing. It does not create access to records held by Congress, the courts, or by state or local government agencies.

Source: United States Department of Justice