



A CITIZENS GUIDE TO

“OPRA”

**THE NEW JERSEY
OPEN PUBLIC RECORDS ACT
IN
HUNTERDON COUNTY**



**County of Hunterdon
Public Records Request
Rt. 12 County Complex, Bldg 5A
PO Box 2900
Flemington, NJ 08822-2900
Telephone: (908) 806-4150 * Fax: (908) 806-5528
Monday—Friday 8:30am—12:30pm & 1:30pm—4:30pm**

<http://www.co.hunterdon.nj.us/pdf/opra.pdf>

What is “OPRA”

On January 8, 2002, a new law was approved by the Legislature and signed into law by the Acting Governor which makes significant changes in the law governing public records. This law, P.L. 2001, c.404—more commonly known as the “**Open Public Records Act**” declares governmental records to be made public unless they fall within certain exceptions.

In general:

- ◆ Immediate access is ordinarily available to budgets, bills, vouchers, contracts, including collective bargaining negotiations agreements and individual employment contracts, and public employee salary and overtime information. Minutes of public meetings will be generally available immediately after the minutes have been approved.
- ◆ Records which are not readily available, are in storage, or which will require a search of records, will be made available as soon as possible and the requestor will be provided with response within seven (7) business days of making the request indicating the time which will be required to provide the records.
- ◆ Where a legal determination must be made as to whether records are “public records” as provided by law, the request will be reviewed by the County Attorney. You will be provided with a response with that information within seven (7) business days of your request.
- The seven (7) business day “time frame” starts the day after your request has been received by the County Records Custodian at the address listed on the request form and on the front of this brochure.

How do I request a Public Record?



A request for access to or for a copy of a government record can be submitted on the Counties **Access to Public Government Records Request Form** (OPRA-HC01) which has been adopted by the Hunterdon County Board of Chosen Freeholders.

Request forms can be picked up at most County Offices and are available via the county web site at, <http://www.co.hunterdon.nj.us/pdf/opra.pdf> or by contacting the Counties “Custodian of Records” at the address listed on the request form and on the front of this brochure.

When filling out your request **please** specify a Department, Commission, Board, or Committee with the date, topic, or any other pertinent information which will help in identifying and completing your request.

Once **fully completed** the request form can be mailed, faxed, submitted electronically or presented in person to the Counties “Custodian of Records”.

If you have any questions prior to filling out your request you should contact the Counties “Custodian of Records” for assistance.



What is a Public Government Record?

The term “public records” generally includes those records determined to be public in accordance with N.J.S.A. 47:1A-1. A “government record” is defined as a physical record that has been generated, maintained, or received by a public agency in the course of official business. The term does not include employee personnel files, police investigation records, public assistance files, or other matters in which there is a right of privacy or confidentiality or inter-agency or intra-agency advisory, consultative, or deliberative material or any other material which is specifically exempted by law.



Are there fees for viewing or copies of records?

There is usually no fee involved in simply inspecting or viewing a document during normal business hours. A copy or copies of a government record may be purchased by any person upon payment of the fee prescribed by law or regulation. If no fee is prescribed by law, the fee shall be the actual cost of duplicating, which includes the cost of materials and supplies used to make the copy, but not the cost of labor or other overhead expenses associated with making the copy unless expressly provided for by law (N.J.S.A. 47:1A-5b).

The fee assessed for the duplication of a government record in the form of printed matter has been established by the Hunterdon County Board of Chosen Freeholders as follows:

\$0.05 per page.

When the actual cost of duplicating a government record exceeds the foregoing rate, then upon demonstration by the public agency of the actual cost of copying, the public agency shall be permitted to charge that cost.

A 50% deposit is required for requests exceeding \$25.00.

If the nature, format, manner of collation, or volume of printing government record to be copied is such that the record cannot be reproduced by ordinary document copying equipment, or involves an extraordinary expenditure of time and effort to accommodate the request, the public agency may charge, in addition to the actual cost of duplicating the record, a special service charge that shall be reasonable and shall be based upon the actual direct cost of providing the copy. The requestor will be notified in advance of the special service charge and may object to the charge prior to it being incurred (N.J.S.A. 47:1A-5c). The fee established by the Hunterdon County Board of Chosen Freeholders for requested information which meets this criteria is a minimum of \$12.50 per hour and may be adjusted accordingly.



Is there an Appeal Process if my request is denied?

Yes, any person who is denied access to a government record may, at the option of the requestor, institute a process to appeal the determination. The appeal process options are as follows:

TO APPEAL AT THE HUNTERDON COUNTY LEVEL:

If you wish to appeal this denial, you can ask for an appeal meeting with the County. If you request a County level appeal, you still have the right to appeal to the Governor's Records Council or the Courts, at a later date.

A County level appeal gives the County and you an opportunity to discuss the situation, so the County can consider whether it may have made a mistake.

A County level appeal does not have to be on any particular form or in any particular format, however, it must be in writing. You simply send your written request to:

**County Administrator
Hunterdon County Administrator's Office
PO Box 2900
Flemington, NJ 08822-2900**

Please indicate why you are appealing. State why you feel the County has made a mistake. The County will then schedule a meeting date with you, if you wish to appear in person. Within seven (7) business days thereafter, the County will let you know the results of its reconsideration.

TO APPEAL WITH THE GOVERNMENT RECORDS COUNCIL:

Contact the GRC by phone at: 1-866-850-0511, by e-mail at grc@dca.state.nj.us or review the GRC web site at www.nj.gov/grc for information and to register your complaint. The GRC may be able to help resolve the problem over the phone. If not, you can receive a complaint form through the mail or from the web site.

When you file the written complaint, the GRC will offer you and the public agency non-adversarial, impartial mediation. If mediation is not agreed to, or fails, the GRC will investigate the complaint. The investigation may result in findings or a formal decision by the GRC, which may include a hearing by the Council.

In some cases, the Council can award attorney fees or fine a records custodian for failing to provide records.

Details of this process are available from the GRC. There is no fee to file with the GRC.

TO FILE AN APPEAL IN SUPERIOR COURT

A requestor may start a summary (expedited) lawsuit in the Superior Court. A written complaint and order to show cause must be filed with the court.

The court requires a \$200 filing fee, and you must serve the lawsuit papers on the appropriate public officials. The court will schedule a hearing and resolve the dispute.

If you disagree with the court's decision, you may appeal the decision to the Appellate Division of Superior Court. If you are successful, you may be entitled to reasonable attorney fees.