

BOROUGH OF GARWOOD

Christina M. Ariemma, Borough Administrator/Municipal Clerk

Custodian of Records

MUNICIPAL BUILDING
403 SOUTH AVENUE
GARWOOD, NEW JERSEY 07027
908-789-0710
garwood@garwood.org

REQUEST FOR GOVERNMENT RECORDS

(N.J.S.A. 47:1A - 1, et seq.)

GOVERNMENT RECORDS REQUEST RESPONSE

TO: Mrs. Tina Renna
Union County Watchdog Association, Inc.
202 Walnut Avenue, Cranford, NJ 07016

DATE: February 3, 2010

The document or documents requested by you are not being provided for the following reason:

The OPRA (Open Public Records Act) law is intended to provide access to government records that have been specifically identified and requested. It does not require that the Custodian of Records become a researcher for the person making the request. The requestor needs to identify the record that is being requested and the Custodian of Records needs to provide access to that specific record, unless it is exempted under the provisions of the law.

Your request consists of two items. First item "Any complaint...": This is not a proper OPRA request. Court records (if any) are not subject to OPRA. The court system has its own policies and procedures. Second item: Criminal investigatory records (if any) are not government records under OPRA. Furthermore, your request refers to "any" complaint/record filed against a certain person and does not identify a specific record, but rather asks for this office to perform a search to determine if any of the above exists and subsequently provide the record. This is not identifying a record. Therefore, your request is invalid. As mentioned above the law does not require that the Custodian of Records become a researcher for the person making the request. The requestor needs to identify the record that is being requested and the Custodian of Records needs to provide access to that specific record, unless it is exempted under the provisions of the law.

You have a right to appeal the decision. You may take your appeal to the Government Records Council, P.O. Box 819, Trenton, NJ 08625, or to the New Jersey Superior Court, as provided by N.J.S.A. 47:1A-1 et seq.. If your request has been denied, a statement of the procedures for the appeal will be attached to this notification.

 February 3, 2010
Christina M. Ariemma, Municipal Clerk Date



New Jersey Government Records Council

What To Do If Your Request for a Record Has Been Denied

The New Jersey Open Public Records Act (N.J.S.A. 47:1A-1 et seq.) permits a person who believes he or she has been illegally denied access to a public record to file a complaint with the Government Records Council (GRC), or file suit in Superior Court to challenge the decision and compel disclosure. This poster describes the procedures for taking these actions.

To file a complaint 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 staff 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 attorneys 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 a complaint with the GRC.

To file a complaint in Superior Court:

- A requester 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.
- You may wish to consult with an attorney to learn about initiating and pursuing a summary lawsuit in the Superior Court.



For more information, contact the **Government Records Council** toll-free at 866-850-0511 or **grc@dca.state.nj.us**,

PO Box 819, Trenton, New Jersey, 08625-0819