

# Open Public Records Act Request for Access to Government Records

City of Orange Township  
Office of the City Clerk  
29 North Day Street, 4th Floor  
Orange, New Jersey 07050  
ATTN: Records Custodian

Telephone: (973) 952-6344  
Fax: (973) 672-6643  
Email: OPRA@OrangeNJ.gov



The last page of this form contains important information about your rights relating to government records. Please read it carefully.

## REQUESTOR INFORMATION

Name: \_\_\_\_\_  
 Company: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

**Preferred Delivery Method**

Pick-Up  US Mail  Fax  E-mail (if available)  On-Site Inspection

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 the State of New Jersey or any other State, or the United States.
- I and/or another person  will /  will not use the requested government records for a commercial purpose.
- I  am /  am not requesting these government records in connection with a legal proceeding.

Signature \_\_\_\_\_ Date \_\_\_\_\_

## PAYMENT INFORMATION

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

Select Payment Method:  Cash  
 Check  
 Money Order

\_\_\_\_\_

**Fees**  
 Letter Size (8.5"x11"; B/W) ..... \$ 0.05/page  
 Legal Size (8.5"x14"; B/W) ..... \$ 0.07/page  
 Other (CD, DVD, etc.) ..... actual cost

**Delivery**  
 Postage charges apply based on the preferred delivery type, if available. \*

**Extras**  
 A special service charge may apply depending upon the scope and amount of resources required to complete the request.

\* Please note, your preferred delivery method will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

## REQUESTED RECORD(S) INFORMATION

Please be as specific as possible in describing the government records being requested. If you confirmed above that these government records are being requested in connection with a legal proceeding, you must identify that proceeding below.

### FOR OFFICE USE

Disposition Notes		Tracking Information		Final Cost	
Est. Copy Fees	_____	OPRA #	_____	Total	_____
Est. Delivery Fees	_____	Rec'd Date	_____	Deposit	_____
Est. Extra Fees	_____	Ready Date	_____	Balance Due	_____
Total Est. Cost	_____	Total Pages	_____	Balance Paid	_____
Deposit Amount	_____	Records Provided	_____		
Estimated Balance	_____				
Deposit Date	_____				
	In Progress - Open _____				
	Denied - Closed _____				
	Filled - Closed _____				
	Partial - Closed _____				
		Records Custodian Signature	_____	Date	_____

## DEPOSITS

The Records Custodian may require a deposit against costs for reproducing records sought through an anonymous request whenever the custodian anticipates that the records requested will cost in excess of \$5.00 to reproduce. When a special service charge is warranted under OPRA, it will be communicated to you as required under the statute so that you may review and, if desired, object to the charge prior to it being incurred. If 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 any records.

## YOUR REQUEST FOR RECORDS IS DENIED FOR THE FOLLOWING REASONS:

### For Records Custodian Use Only

#### 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.
- 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, 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 the security thereof 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.
- 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 of honorable discharge issued by the United States government (Form DD-214) filed with a public agency.
- Oath of allegiance, oath of office or other affirmation, except full name, title and oath/affirmation date shall be disclosed.
- 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 et seq.* (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 student's identity.
- Biotechnology trade secrets under *N.J.S.A. 47:1A-1.2*.
- Convicts requesting their victims' records under *N.J.S.A. 47:1A-2.2*.
- Ongoing investigations of non-law enforcement agencies (must prove disclosure is inimical to the public interest) under *N.J.S.A. 47:1A-3(a)*.
- Public defender records under *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 under *N.J.S.A. 47:1A-9*.
- Personnel and pension records (however, the following information must be disclosed under *N.J.S.A. 47:1A-10*):
  - a. 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.
  - b. 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 United States, or when authorized by an individual in interest.
  - c. 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-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 under 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 the New Jersey Office of Information Technology or the State Archives) when those records are made confidential by regulation or Executive Order No. 9.
- Other exemption(s) contained in a State statute, resolution of either or both houses of the Legislature, regulation, Executive Order, or court rule, or any federal law, federal regulation or federal order pursuant to *N.J.S.A. 47:1A-9(a)*:

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**COMMON LAW REQUEST FOR ACCESS TO PUBLIC RECORDS**

A “public record” under common law is a record that is: required by law to be kept; necessary to be kept in the discharge of a duty imposed by law; directed by law to serve as a memorial and evidence of something written, said, or done; a written memorial made by a public officer authorized to perform that function; or, a writing filed in a public office. The essential elements are that it be a written memorial made by a public officer authorized by law to make it.

If the requested record is a public record under common law, and the requestor has a legally-recognized interest in the subject matter contained therein, it must be disclosed only if the requestor’s right of access outweighs the public agency’s interest in preventing disclosure. Challenging a denial of a request for records under common law does not go before the Government Records Council, since the Government Records Council only has jurisdiction to adjudicate denials of OPRA requests. Denials of common law requests must be challenged through the Superior Court of New Jersey.

**If you are seeking access to the requested records under common law in addition to OPRA, you must check the box below and detail your interest in the subject matter contained in the requested material.**

- Yes, I am also requesting the records identified above under common law. My interest in the subject matter contained in the requested material is as follows:

**YOUR RIGHTS RELATING TO ACCESS TO GOVERNMENT RECORDS**  
City of Orange Township, New Jersey

1. All "government records" 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, transmitted electronically, or otherwise conveyed to the appropriate custodian. *N.J.S.A. 47:1A-5(g)*.  
Under OPRA, the custodian generally has 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 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 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 14 business days, but the custodian shall notify the requestor of the additional time within 7 business days. *N.J.S.A. 47:1A-5(i)*. However, the response time frame can be reduced to 7 business days upon payment of no more than 2 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 14 business days, but the custodian shall notify the requestor of the additional time within 7 business days. *N.J.S.A. 47:1A-5(i)*.
  - Fire districts employing one or fewer full-time employees serving as custodians may add 7 business days to the 7 or 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. You are not required to use this request form; however, a written equivalent that does not contain the requirements of *N.J.S.A. 47:1A-5(f)* and *N.J.S.A. 47:1A-5(g)* may be denied.
4. You may submit your request anonymously, and it shall not be considered incomplete for that reason. *N.J.S.A. 47:1A-5(f)*. If you elect to not 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 him/her seeking a response to the original request. Anonymous requestors are also prohibited from challenging a denial of access. *N.J.S.A. 47:1A-6*.
5. The fees for duplication of a "government record" in printed form are listed on page 1 of this form. The custodian will notify you of any special service charges or other additional charges authorized by State law or regulation before processing your request. Payment shall be made by cash, check or money order payable to the "City of Orange Township".
6. You may be charged deposit when a request for copies exceeds \$5.00. The custodian will contact you and advise you of any deposit requirements. You must pay the balance due prior to delivery of the records.
7. 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. *N.J.S.A. 47:1A-2.2*. This includes anonymous requests for said information.
8. By law, you must be notified whether your request for access is granted or denied a within applicable response time after the custodian receives your request. If the record requested is in storage, the custodian will advise you within 7 or 14 business days after receipt of the request as to when the record can be made available, and no more than 21 business days after that notification date, provide the estimated cost for reproducing the record. *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, the specific basis for denial will be set forth on the request form or other written correspondence and sent it to you.
11. Except as otherwise provided by law or by agreement, if the custodian fails to respond to you in writing within 7 or 14 business days of receiving your request, it shall be deemed a 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 is denied (or unfilled within the 7 or 14 business days required by law), you have a right to challenge that action (or inaction) by either: instituting a proceeding in the Superior Court of New Jersey; or filing a Denial of Access Complaint with the Government Records Council ("GRC"). All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in Essex County. General inquiries about OPRA and questions regarding the Denial of Access Complaint process can directed to the GRC: by toll-free phone at (866) 850-0511; by mail at P.O. Box 819, Trenton, NJ, 08625; by e-mail at [Government.Records@dca.nj.gov](mailto:Government.Records@dca.nj.gov); or online at [www.nj.gov/grc](http://www.nj.gov/grc). Anonymous requestors are also prohibited from challenging a denial of access with the GRC or the Courts. *N.J.S.A. 47:1A-6*.
13. Information you provide on this form may be subject to disclosure under OPRA.