

OPEN PUBLIC RECORDS ACT (OPRA)

Policy:

New Jersey law relating to the public's right to access government records has been expanded under the Open Public Records Act (hereinafter OPRA) which was enacted on January 8, 2002 and became effective on July 8, 2002. Members of the general public will be granted access to all records maintained by the City of Camden unless specifically exempted by OPRA, other state or federal law, regulation or order. Such access shall be through the custodian of department records.

This policy will establish procedures for the receipt and processing of requests for access to department records. This policy and procedure is not applicable to any general rules of Discovery under New Jersey Rules and Court; Rule 7:7 Pretrial Procedure. Procedures for requests for any inspection or copying of records by the defendant pursuant to the New Jersey Rules of Court are outlined in V05c16 – **DISCOVERY**.

Procedure:

1. CUSTODIAN OF RECORDS

The Municipal Clerk shall serve as the custodian of all records maintained by the City of Camden. The Municipal Clerk shall be assisted by the staff of the Clerk's Office and all Department Heads in fulfilling the obligation under this law.

A. **Responsibilities:** The custodian of records shall have the following responsibilities:

1. The custodian shall ensure that procedures are in place so that requests for department records are received, reviewed and filled, if appropriate, as required by the law.

2. The custodian shall review all requests for access to department records that are held and maintained by the City of Camden and make certain that requests are appropriately acted upon within the time prescribed by law.

2. DEPARTMENT RECORDS DEFINED

A department record shall be interpreted to mean any written or printed document, drawing, map, plan photograph, microfilm, data processed or image processed document, and any information stored electronically or by sound-recording or similar device unless exempt from definition under the law.

A department record shall not include:

- Inter-agency or intra-agency, consultative or deliberative material.
- Emergency or security information or procedures for building or facilities.
- Administrative or technical information regarding computer hardware, software and networks, which if disposed, would jeopardize computer security.
- Information regarding labor-management negotiations including statements of strategy or negotiating position.
- Pension or personnel records in possession of the department.
- Information generated by or on behalf of the police department or any of its employees in connection with any sexual harassment complaint filed with the City of Camden or with any grievance filed by or against any individual.

- Information which is to be kept confidential pursuant to court order.
- That portion of any document which discloses the social security number, credit card number, unlisted telephone number, drivers license and any personal identifying information of any person.
- Security measures and surveillance techniques which if disclosed would create a risk to the safety of persons, property, electronic data or software.

3. PUBLIC REQUESTS FOR RECORDS

- A. Times During Which Records May be Requested: Any person making a request for department records must do so during regular business hours between 8:30 a.m. and 4:30 p.m. Monday through Friday.
- B. Records Request Form: All requests for access to records shall be in written format and on the Records Request Form provided by the Municipal Clerk's Office. The request form must be completed, signed, dated and delivered in person to the Municipal Clerk or his/her designee.
- C. Delivery of Records: The custodian of records must respond within seven (7) business days of the original request. If the record requested is not currently available or is in storage or archived, the person making the request will be advised of when the record will be made available and any estimated fees that will be applicable.
 - 1. The person requesting the records must personally take delivery of those records once copies are made available.

4. DENIAL OF A REQUEST FOR RECORDS

- A. A records custodian must deny access to any person who has been convicted of an indictable offense in New Jersey or any other state who is seeking department records containing personal information pertaining to the person's victim or the victim's family.
- B. The custodian may deny access to records if the request would substantially disrupt the department's operation and the custodian is unable to reach a reasonable solution with the person requesting access that would accommodate the interest of both parties.
- C. If the City of Camden is unable to comply with a request for access to records, the custodian will indicate the reason for the denial on the request form and provide the person making the request with a signed and dated copy.
 - 1. Except as otherwise provided by law or by agreement with the requester, if the custodian of the record fails to respond to the requester within seven (7) business days of receiving the written signed request form, the failure to respond will be considered a denial of the request.

5. RIGHT TO APPEAL A DENIAL OF ACCESS

- A. If a request for access to a department record is denied, or has been unfulfilled with the time permitted by law, that person making the request has a right to challenge the decision by the Municipal Clerk to deny access. The person requesting the record may either;
 - Institute a proceeding in the Superior Court of New Jersey or,

- File a complaint in writing with the Government Record Council (GRC) located in the Department of Community Affairs.