



CITY OF BAYONNE

OPEN PUBLIC RECORDS ACT REQUEST FORM

Office of the City Clerk, 630 Avenue C, Bayonne, NJ 07002

Phone (201) 858-6029

Fax (201) 823-4391

Robert F. Sloan, Esq., Records Custodian



Fill out and submit this form to the Records Custodian to request public records from the City of Bayonne. If you do not wish to fill out this form, you may also submit a written request which satisfies the requirements of N.J.S.A. 47:1A-1 et seq.

Requestor Information - Please Print

Form fields for Requestor Information: First Name, MI, Last Name, E-mail Address, Mailing Address, City, State, Zip, Telephone, FAX, Preferred Delivery (Pick Up, US Mail, On-Site, Inspect, Fax, E-mail), Signature, Date.

Payment Information

Form fields for Payment Information: Maximum Authorization Cost, Select Payment Method (Cash, Check, Money Order), Fees (Letter size pages, Legal size pages, Other materials), Delivery (Delivery/postage fees), Extras (Special service charge).

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery 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.

Large empty box for Record Request Information.

AGENCY USE ONLY

Form fields for Agency Use Only (left): Est. Document Cost, Est. Delivery Cost, Est. Extras Cost, Total Est. Cost, Deposit Amount, Estimated Balance, Deposit Date.

AGENCY USE ONLY

Form fields for Agency Use Only (middle): Disposition Notes (Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.), In Progress, Denied, Filled, Partial, Open, Closed.

AGENCY USE ONLY

Form fields for Agency Use Only (right): Tracking Information (Tracking #, Rec'd Date, Ready Date, Total Pages), Final Cost (Total, Deposit, Balance Due, Balance Paid), Records Provided, Custodian or his Assignee Signature, Date.

### **CUSTODIAN'S RESPONSE TO YOUR REQUEST**

(To be completed by the Custodian of Records – check the box of the response as it applies to the records requested)

- Please find attached all public records in the possession of the City of Bayonne which are responsive to your request.
- The City possesses no public records responsive to your request.
- The responsive public records which are in the possession of the City of Bayonne are available for pickup in the Office of the City Clerk. Please bring a check, cash or money order in the amount of \$\_\_\_\_\_ which is the statutory copying fee for \_\_\_\_ pages of records. All checks should be made payable to "City of Bayonne".

*Please sign the foregoing statement upon picking up the records.*

I, **(PRINT NAME)** \_\_\_\_\_, have picked up the records released to me by the City of Bayonne in relation to this OPRA request. I am either the requestor or an agent of the requestor sent to pick up the records. I picked up these records on **(DATE)** \_\_\_\_\_.

**SIGNATURE:** \_\_\_\_\_ **DATE OF SIGNATURE:** \_\_\_\_\_

- The responsive public records in the possession of the City of Bayonne are available and will be mailed or otherwise provided to you upon receipt of a check, cash or money order in the amount of \$\_\_\_\_\_ which is the statutory copying fee for \_\_\_\_ pages of records. All checks should be made payable to "City of Bayonne".
- More information is needed to respond to your request. Please provide the following: \_\_\_\_\_  
\_\_\_\_\_
- The Documents you seek are not currently available. Kindly allow \_\_\_\_\_ days for the City to obtain the requested records.
- Your request has been forwarded to the Law Division for legal review and processing. Kindly allow \_\_\_\_\_ days for the City's response to your request. Any questions or concerns may be directed to the Law Division by phone at (201) 858-6094, by fax to (201) 858-6092, or by letter to City of Bayonne Law Division, ATTN: OPRA Secretary, 630 Avenue C, Bayonne, NJ 07002.

#### **ADDITIONAL COMMENTS**

**YOUR REQUEST FOR RECORDS IS DENIED FOR THE FOLLOWING REASON(S):**

(To be completed by the Custodian of Records – circle the bullet point of the OPRA exception as it applies to the records requested)

**N.J.S.A. 47:1A-1.1**

- o Inter-agency or intra-agency advisory, consultative or deliberative material
- o Legislative records
- o Law enforcement records:
  - Medical examiner photos
  - Criminal investigatory records (however, N.J.S.A. 47:1A-3.b. lists specific criminal investigatory information which must be disclosed)
  - Victims' records
- o Trade secrets and proprietary commercial or financial information
- o Any record within the attorney-client privilege
- o Administrative or technical information regarding computer hardware, software and networks which, if disclosed would jeopardize computer security
- o Emergency or security information or procedures for any buildings or facility which, if disclosed, would jeopardize security of the building or facility or persons therein
- o Security measures and surveillance techniques which, if disclosed, would create a risk to the safety or persons, property, electronic data or software
- o Information which, if disclosed, would give an advantage to competitors or bidders
- o 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
- Social security numbers
- Credit card numbers
- Unlisted telephone numbers\
- Drivers' license numbers
- 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 students' identification
- Biotechnology trade secrets **N.J.S.A. 47:1A-1.2**
- Convicts requesting their victims' records **N.J.S.A. 47:1A-2.2**
- Ongoing investigations of non-law enforcement agencies (where disclosure is inimical to the public interest) **N.J.S.A. 47:1A-3.a.**
- Request is overly broad and burdensome. Spectraserve, Inc. v. Middlesex County Utilities Authority, 416 N.J. Super 565 (App. Div. 2010). The OPRA statute is not intended as a research tool litigants may use to force government officials to identify and siphon useful information. MAG Entm't, LLC v. Div. of Alcoholic Beverage Control, 375 N.J. Super. 534, 546 (App. Div. 2005). Obtaining the requested records would require an extraordinary expenditure of time and effort. **N.J.S.A. 47:1A-5(c)**
- Public defender records **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 **N.J.S.A. 47:1A-9**
- Personnel and pension records (however, the following information must be disclosed):
  - 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
  - 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 US, or when authorized by an individual in interest
  - 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-10**
- **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 undertaken pursuant to 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 NJ Office of Information Technology or State Archives) when those records are made confidential by regulation or EO 9.

- Other Exemption(s) contained in a State statute, resolution of either or both House of the Legislature, regulation, Executive Order, Rules of Court, New Jersey Case Law, any federal law, federal regulation or federal order pursuant to N.J.S.A. 47:1A-9.a.

**PLEASE TAKE NOTICE:** The fees for duplication of a government record in printed form are listed on the front of this form. We 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 Bayonne**. The custodian may require a deposit against costs for reproducing documents sought through an anonymous request whenever the custodian anticipates that the documents requested will cost in excess of \$5 to reproduce. All fees for public records are due upon pick-up of the record/s or else before they are otherwise delivered to the requester. Where a special service charge is warranted under OPRA, that amount will be communicated to you as required under the statute. You have the opportunity to review and object to the charge prior to it being incurred. If, however, 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 the documents. You may be charged a 50% or other deposit when a request for copies exceeds \$25 in prospective fees. The Records Custodian will contact you and advise you of any deposit requirements. Pursuant to N.J.S.A. 47:1A-1 et seq. the City of Bayonne must notify you that it grants or denies a request for access to government records within seven (7) business days after the agency custodian of records receives the request. If the record requested is not currently available or is in storage, the custodian must advise you within seven (7) business days after receipt of the request when the record can be made available and the estimated cost for reproduction if applicable. 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. If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council ("GRC") by completing their Denial of Access Complaint Form. Information provided on this form may itself be subject to disclosure under the Open Public Records Act.