Access to Atlantic County Public Records and the Open Public Records Act (OPRA)

The Open Public Records Act became effective on July 7, 2002. It amended the prior Right to Know Law. Under the Open Public Records Act (OPRA), members of the public may have access to public records held by Atlantic County.

INFORMATION ON OPRA

The underlying purpose of OPRA is to provide that government records, with certain exceptions, be available for public inspection and copying. Not all records are disclosable under OPRA. Exceptions to public accessibility are based on such principles as: a reasonable expectation of privacy by citizens regarding records in the possession of a public agency; public safety concerns; and the need to foster unrestrained discussion and consideration of issues inside public agencies.

The State of New Jersey established the Government Records Council to assist in disseminating information about OPRA. For more information on your right to obtain records under OPRA go to their web site at http://www.nj.gov/grc . You may also contact them by phone at their toll free information line: 866-850-0511. Their mailing address is: Government Records Council
P. O. Box 819, Trenton, NJ 08625-0819

INFORMAL REQUESTS FOR COUNTY RECORDS

Routine requests for documents may still be made informally, directly to the holder of the record you are seeking. However, informal requests are not governed by OPRA. If the holder of the record you are seeking believes that a formal request would be more appropriate, they may request that you file an Atlantic County Clerk's Office Request for Government Records Form with the Custodian of Records for the Atlantic County Clerk's Office. Click here to access PUBLIC RECORDS ON-LINE.

Atlantic County Clerk's OPRA Request Form – See page 2 below

REQUESTS UNDER OPRA FOR COUNTY RECORDS

You may also direct your initial request to the Custodian of Records by using the Atlantic County Clerk's Office Request for Government Records form available for download in the box titled OPRA Form. In order for the request to be covered by the Open Public Records Act, the Atlantic County Clerk's Office Request for Government Records Form must be submitted to the Custodian in person, by mail, or by FAX. The form is also available from the Custodian at:

Atlantic County Clerk's Office, Custodian of Records
5901 Main Street, Mays Landing, NJ 08330
Phone: 609-625-4011 - FAX: 609-909-5111

Please be specific when requesting documents. If you know which County office has the records you want, please include that information. Also, indicate a date or time frame for the documents you want. Provide any information that would assist the Custodian in determining what specific documents you are seeking.

OTHER COUNTY AGENCIES

Some county agencies have their own Custodian of Records. They are: The County Law Department, the County Prosecutor, the County Clerk, the Board of Elections, the Superintendent of Elections, the Superintendent of Schools, the Board of Taxation, Atlantic Cape Community College, the Atlantic County Improvement Authority and the Atlantic County Utilities Authority. The County Surrogate is subject to the Court rules on disclosure. **Contact these entities directly for their records**.
http://www.aclink.org/law/mainpages/OPRA.asp

For Preliminary or Phase I Environmental Assessments, contact:
Marilyn Gerhardt
Atlantic County Environmental Health Services
201 Shore Road, Northfield, NJ 08225
(609) 645-5971 Fax: (609) 645-5923

COUNTY OF ATLANTIC

REQUEST FOR GOVERNMENT RECORDS FORM

REQUESTOR INFORMATION **PLEASE PRINT**

NAME/COMPANY: _____

MAILING ADDRESS: _____

Street (PO Box, Suite #) *City* *State* *Zip*

PHONE: ( ) _____ EMAIL: _____

DOCUMENTS REQUESTED (Be as specific as possible, include dates where applicable.)

Preferred Delivery: ❑ Pick up ❑ US Mail ❑ On Site Inspection ❑ Email ❑ Fax

Maximum Authorized Cost $ _____

COSTS - Paper copies of records can be purchased for the fee established by the applicable statute or regulation. Unless otherwise provided, the fee for standard printed matter is $0.05 per letter size page or smaller, and $0.07 per legal size page or larger. Postage is extra. Where the actual costs for duplication of a record exceed the foregoing rates, the County may charge the actual cost of duplicating the record. For requests that meet the requirements of N.J.S.A. 47:1A-5.c., a special service fee may apply. Electronic records and non-printed materials shall be provided free of charge, but the County may charge for the actual cost of any needed supplies such as computer discs.

If you are requesting records containing personal information, please circle one: 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 New Jersey, any other state, or the United States.

Signature: _____ Date: _____

SUBMIT THIS FORM TO: Atlantic County Clerk's Office, Custodian of Records
5901 Main Street, Mays Landing, New Jersey 08330
Phone 609-625-4011 Fax: 609-909-5111

THE REVERSE SIDE OF THIS FORM CONTAINS IMPORTANT INFORMATION ABOUT YOUR RIGHTS TO REQUEST GOVERNMENT RECORDS. PLEASE READ IT CAREFULLY.

CUSTODIAN RESPONSE INFORMATION (For County Use Only)

ID # _____ of _____

DATE RECEIVED: _____ DATE OF RESPONSE: _____

RECORDS AVAILABLE NO. OF PAGES AVAILABLE ON

FEE $_____ POSTAGE $ _____ DEPOSIT $ _____ AMOUNT DUE $ _____ RECEIVED ON _____

Date

❑ Access to a record or records has been denied.
If access is denied, a list of those records with reasons accompanies this response.

_____ _____

Signature of Custodian *Date*

IMPORTANT INFORMATION ABOUT PUBLIC ACCESS TO GOVERNMENT RECORDS

1. All government records 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. The seven (7) business day response time does not commence until the records custodian receives the request form. If you submit the request form to any other officer or employee of the County of Atlantic, that officer or employee must either forward the request to the appropriate custodian, or direct you to the appropriate custodian. N.J.S.A. 47:1A-5.h.

3. Requestors may submit requests anonymously. If you elect not to provide a name, address, or telephone number, or other means of contact, the custodian is not required to respond until you reappear before the custodian seeking a response to the original request.

4. 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 Treasurer County of Atlantic.

5. You may be charged a 50% or other deposit when a request for copies exceeds $25. The Atlantic County custodian will contact you and advise you of any deposit requirements. You agree to pay the balance due upon delivery of the records. Anonymous requests in excess of $5.00 require a deposit of 100% of estimated fees.

6. Where a special service charge is warranted, that amount will be communicated to you. You have the opportunity to review and object to the charge prior to it being incurred. If you approve of the fact and amount of the charge, you may be required to pay a deposit or in full prior to reproduction of the documents.

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. This includes anonymous requests for said information.

8. By law, the County of Atlantic 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 will 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.

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.

10. If the County of Atlantic is unable to comply with your request for access to a government record, the custodian will indicate the reasons for denial on the request form or other written correspondence and send you a signed and dated copy.

11. Except as otherwise provided by law or by agreement with the requester, if the agency custodian of records fails to respond to you within seven (7) business days of receiving a request, the failure to respond is a deemed denial of your request.

12. 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 by the County of Atlantic 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 the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at PO Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at its web site at www.state.nj.us/grc. The Council can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

13. Information provided on this form may be subject to disclosure under the Open Public Records Act.

Revised: 10/2010