

DIRECTIONS AND PROCEDURES FOR REQUESTING PUBLIC RECORDS UNDER THE OPEN PUBLIC RECORDS ACT (OPRA)

BOROUGH OF NORTH ARLINGTON

214 Ridge Road

North Arlington, NJ 07031

Phone: (201) 991-6060 • Fax: (201) 991-0140

New Jersey State Statute N.J.S.A. 47:1A-1 et seq. has changed the way public information is disseminated. Unfortunately in some instances it has made it more difficult and time-consuming for the public to obtain information and records. The Borough of North Arlington's employees will continue to supply you with the information you request as quickly as possible while working within the constraints of the new law. Please read the following overview to gain a better understanding of this new process.

All Requests for public records must be made in writing and forwarded to the Municipal Clerk. A request for a copy of Public Records should be submitted on the attached form which has been adopted by the Municipal Clerk as the Custodian of Records. Most records will be readily accessible for inspection, copying or examination during normal business hours if available and with certain exceptions provided by N.J.S.A 47:1A-1 et seq. Some records requested have specific fees or other response times established by statute. There is no fee involved in inspecting a document during normal business hours, provided that it does not take an extraordinary amount of time.

The term "public records" includes those records determined to be public in accordance with N.J.S.A. 47:1A-1 et seq. The term does not include employee personnel files or pension files, including any grievance filed by or against an individual, police investigation records subject to N.J.S.A. 47:1A-3b, public assistance files or other matters in which there is a right of privacy or confidentiality or which is specifically exempt by law.

In General:

- Immediate access will be ordinarily available for budgets, bills, vouchers, contracts, including collective negotiations agreements, individual employment contracts, public employee salary and overtime information. Minutes of public meetings will be available immediately after the minutes have been approved.
- Records which are not readily available or which will require a search of records will be made available as soon as possible and you will be provided with an interim report within seven (7) business days indicating the time which will be required to provide the records.
- Except as otherwise provided by law or regulation, the fee assessed for the duplication of a printed record shall be: first page to tenth page, \$0.75 per page; eleventh page to twentieth page, \$0.50 per page; all pages over twenty, \$0.25 per page; for a police accident report there is an additional fee when the request is not made in person of \$5.00 for the first 3 pages and \$1.00 for each additional page, as provided by N.J.S.A. 39:4-131. If the nature, format, manner of collation or volume of a public record embodied in the form of printed matter to be inspected, examined, or copies is such that the record cannot be reproduced by ordinary document copying or equipment or involves extraordinary amount of time, then a Special Service Charge will be assessed.
- Where a request is for a copy in a format other than a photocopy, reasonable efforts will be made to provide the information in the format requested. The cost will be based on the costs of producing the format requested. See N.J.S.A. 47:1A:6d (Special Service Charge).
- Where a legal determination must be made as to whether records are "public records" as provided by law, the request will be reviewed by the Municipal Attorney.
- A deposit may be required for anonymous requests or whenever it is anticipated that the information requested will exceed \$5.00 to reproduce.

BOROUGH OF NORTH ARLINGTON
214 RIDGE ROAD
NORTH ARLINGTON, NJ 07031
REQUEST FOR PUBLIC RECORDS

Name: _____

Address: _____

Date: _____ Telephone (Day): _____

Information Requested:

Copy of Minutes [specify board or entity, date, topic or other identifying information]

Copy of Ordinance or Resolution [specify date, number, or other identifying information]

Police Accident Report Accident date: _____ Location: _____

Other Police Report [specify] _____

Municipal License Information [Specify] _____

Building Dept./Information on a Specific Property Address _____

Block: _____ Lot: _____ Information Requested: _____

Tax Records: Address: _____ Block: _____ Lot: _____

Specify: _____

Municipal Lien Search (Fee: \$ 10.00)

Municipal Lien Searches are provided by the designated search officer and will be provided within 15 days after the request is received and the fee paid, as provided in *N.J.S.A. 54:5-11*, et seq.

List of Property Owners within 200'

As provided in *N.J.S.A. 40:55D-12*, the fee is the greater of \$.25 per name or \$10.00

Fire Report Incident date: _____ Address: _____

Health Department/Vital Statistics

Birth Certificate **Death Certificate** **Marriage license**

Other requests: _____

****For Municipal Use Only****

Date Received: _____ The information requested will be ready on: _____

Estimated number of pages: _____ Estimated cost: _____

Deposit: _____ (Required where the anticipated cost of reproduction exceeds \$5.00)

Pick up: _____ Mail: _____ Paid (date and amount): _____

Request Received by: _____ Dept.: _____

Department Supervisor: _____

BOROUGH OF NORTH ARLINGTON
PUBLIC RECORDS REQUEST RESPONSE

TO: _____

DATE: _____

The document(s) listed below and requested by you are not being provided because the document(s) are not public records as provided by law, for the following reason:

You have a right to appeal the decision that the document(s) are not public records. You may take your appeal to the Government Records Council onto 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.

ACKNOWLEDGMENT

I hereby acknowledge that I have received the documents requested except for any documents specifically listed above on which a determination has been made that the documents will not be provided. If any documents have not been provided, I have received information on the procedures for any appeal of the determination. I hereby certify that I have not been convicted of any indictable offense under the laws of this State, any other state or the United States and am not seeking government records containing personal information pertaining to the victim or the victim's family as provided by N.J.S.A. 47:1A-1 et seq.

Date

Applicant

Date

Municipal Clerk

PROCEDURE TO APPEAL THE DENIAL OF ACCESS TO RECORDS

The following is reprinted from N.J.S.A. 47:1A-6. Additional information about assistance and information available from the Government Records Council can be provided by the Municipal Clerk.

N.J.S.A. 47:1A-6 Proceeding the challenge denial of access to record.

A person who is denied access to a government record by the custodian of the record, at the option of the requester, may:

Institute a proceeding to challenge the custodian's decision by filing an action in Superior Court which shall be heard in the vicinage where it is filed by a Superior Court Judge who has been designated to hear such cases because of that judge's knowledge and expertise in matters relating to access to government records; or

In lieu of filing an action in Superior Court, file a complaint with the government Records Council established pursuant to N.J.S.A. 47:1A-7.

The right to institute any proceeding under this section shall be solely that of the requester. Any such proceeding shall proceed in a summary or expedited manner. The public agency shall have the burden of proving that the denial of access is authorized by law. If it is determined that access has been improperly denied, the court or agency head shall order that access be allowed. A requestor who prevails in any proceeding shall be entitled to a reasonable attorney's fee. (L.2001, c.404, s.7.)