



# OPEN PUBLIC RECORDS ACT REQUEST FORM

## TOWNSHIP OF HILLSBOROUGH

379 SOUTH BRANCH ROAD • HILLSBOROUGH, NJ 08844

Phone: 908-369-3535 Fax: 908-369-6034

Sarah Brake, Township Clerk

[clerksoffice@hillsborough-nj.org](mailto:clerksoffice@hillsborough-nj.org)

### Important Notice

The following pages of this form contain important information related to your rights concerning government records. Please read carefully.

#### Requestor Information - Please Print

First Name \_\_\_\_\_ MI \_\_\_\_\_ Last Name \_\_\_\_\_

Email Address \_\_\_\_\_

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Fax \_\_\_\_\_

Preferred Delivery:  Pick Up  US Mail  On-Site Inspect Fax  Email

If you are requesting records containing personal information, select one: Under penalty of N.J.S.A. 2C:28-3,

I certify that I  HAVE /  HAVE NOT been convicted of any indictable offence under the laws of NJ,

and other state or the United States.

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

#### Payment Information

Maximum Authorization Cost \$ \_\_\_\_\_

Select Payment Method:

Cash

Check

Money Order

Fees: 8.5" x 11" = \$0.05

8.5" x 14" = \$0.07

Other – Call for pricing

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

**Record Request Information:** Please be as specific as possible in describing the records / documents being requested. (If applicable please include **block and lot numbers** as well as street address.)

#### Departments

- Administration
- Building
- Engineering
- Finance
- Fire Safety
- Health
- Planning & Zoning
- Police
- Tax Assessor
- \_\_\_\_\_

#### AGENCY USE ONLY

Est. Document Cost \_\_\_\_\_

Est. Delivery Cost \_\_\_\_\_

Est. Extra Cost \_\_\_\_\_

Total Est. Cost \_\_\_\_\_

Deposit Amount \_\_\_\_\_

Estimated Balance \_\_\_\_\_

Deposit Date \_\_\_\_\_

#### AGENCY USE ONLY

##### Disposition Notes

Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

In Progress      Open \_\_\_\_\_

Denied -      Closed \_\_\_\_\_

Filled -      Closed \_\_\_\_\_

Partial -      Closed \_\_\_\_\_

#### AGENCY USE ONLY

##### Tracking Information

Tracking # \_\_\_\_\_

Rec'd Date \_\_\_\_\_

Ready Date \_\_\_\_\_

Total Pages \_\_\_\_\_

Custodian Signature \_\_\_\_\_

##### Final Cost

Total \_\_\_\_\_

Deposit \_\_\_\_\_

Balance Due \_\_\_\_\_

Balance Paid \_\_\_\_\_

Date \_\_\_\_\_

**Requesting Access to Government Records Under the New Jersey Open Public Records Act (N.J.S.A. 47:1A-1 et seq.)**

DEPOSITS

The custodian may require a deposit against costs for reproducing documents sought through an anonymous request whenever the custodian anticipates that the information requested anonymously will cost in excess of \$5 to reproduce.

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 amount of the special service charge, you may be required to pay a deposit or pay in full prior to reproduction of the documents.

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

**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 which must be disclosed)
  - Victims records
- 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 buildings or facilities which, if disclosed, would jeopardize security of the building or facility or persons therein
- Security measures and surveillance techniques which, if disclosed, would create a risk to the safety or persons, property, electronic data 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
- Social security numbers
- Credit Card Numbers

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- Unlisted telephone numbers
- Drivers' license numbers
- Certain records of higher education institutions:
  - Research records
  - Questions or scores for an 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 (must prove disclosure is inimical to the public interest) **N.J.S.A. 47:1A-3.a.**
- Public defender records **N.J.S.A. 47:1A-5k.**
- 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**
- Personal and pension records, except specific information identified as follows:
  - 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 person 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 citizens 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 are exempt from disclosure by this Order.

**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 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 EO 9.

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

(Please provide detailed information regarding the exemption from disclosure for which you are relying to deny access to government records. If multiple records are requested, be specific as to which exemption(s) apply to each record.)

**Requesting Access to Government Records Under the New Jersey Open Public Records Act (N.J.S.A. 47:1A-1 et seq.)**

1. In order to request access to government records under OPRA, you must complete all the required portions of and date this request form and deliver it in person during regular business hours or by mail, fax or electronically to the agency custodian of records. Your request is not considered filed until the agency custodian of records receives the request form. If you submit the request form to any other officer or employee of the Township of Hillsborough, that officer or employee may not have the authority to accept your request form on behalf of the Township of Hillsborough and your request will be directed to the agency custodian of records. The seven (7) business day response time will not commence until the agency custodian of records receives the request form.
2. The fees for duplication of a government record in printed form are listed on the front of this form. The Township 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 Township of Hillsborough.
3. If it is necessary for the records custodian to contact you concerning your request, providing identifying information, such as your name, address, telephone number, fax number or e-mail address is required. Where contact is not necessary, anonymous requests are permitted; except that anonymous requests for personal information are not honored.
4. ***You may be charged a 50% or other deposit when a request for copies exceeds \$25.*** The Township of Hillsborough custodian will contact you and advise you of any deposit requirements. Anonymous requests, when permitted, require a deposit of 100% of estimated fees. You agree to pay the balance due upon delivery of the records.
5. 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.
6. By law, the Township of Hillsborough 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. You may agree with the custodian to extend the time for making records available, or granting or denying your request.
7. 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.
8. If the Township of Hillsborough 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 and send you a signed and dated copy.
9. 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.
10. 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 Township of Hillsborough to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint in writing with the Government Records Council ("GRC"). 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](mailto:grc@dca.state.nj.us), or at their web site at [www.state.nj.us/grc](http://www.state.nj.us/grc). The Council can also answer other questions about the law.