

Mr. Ferretti,

Thank you for contacting the NJ Government Records Council ("GRC"). The information provided by the GRC is guidance and does not constitute legal advice or a final decision of the GRC regarding whether a particular record is exempt from disclosure or not since the provisions of the Open Public Records Act ("OPRA") are applied to the specific facts of the request and/or complaint. Specifically, the GRC adjudicates denial of access complaints filed against state and local government records custodians.

Generally, OPRA provides that "... government records shall be readily accessible for inspection, copying, or examination with certain exceptions ..." N.J.S.A. 47:1A-1. Additionally, OPRA defines a government record as a record "made, maintained or kept on file ... or that has been received in the course of ... official business ..." N.J.S.A. 47:1A-1.1. Also, OPRA requires a custodian to grant access, deny access, request an extension of the statutory response time, or seek clarification of the request as soon as possible but no later than seven (7) business days from receipt of the request. N.J.S.A. 47:1A-5(i). OPRA further requires that custodians prove and inform requestors of the lawful basis for any denial of government records. N.J.S.A. 47:1A-6.

Regarding your inquiry, the GRC has limited case law on their disclosability under OPRA:

<http://www.state.nj.us/grc/decisions/2004-48.html>
<http://www.state.nj.us/grc/decisions/pdf/2008-167.pdf>

Unfortunately, neither of these cases relate to the index you sought in your OPRA request. For this reason, the GRC cannot provide any further meaningful guidance.

If you believe you are unlawfully denied access to government records, you may file an action in Superior Court and pay the court filing fee or file a denial of access complaint with our agency (the Government Records Council). Please note that filing in court may result in your complaint being resolved more quickly than filing with the GRC.

Additionally, the court can assess your common law right of access whereas the GRC cannot. Should you choose to file a complaint in Superior Court, you must contact the Court Clerk for the county in which you plan to file. Should you choose to file a complaint with the GRC, you must download a Denial of Access Complaint form from our website (<http://www.nj.gov/grc/register/>), fill it out and send it to our agency.

All Denial of Access Complaints must be submitted to the following:

Government Records Council
101 South Broad Street
PO Box 819
Trenton NJ 08625-0819
or
[\(609\) 633-6337](tel:6096336337) Fax
or
Government.Records@dca.nj.gov

Sincerely,

Frank F. Caruso

Government Records Council

Communications Specialist/Resource Manager

Tel: [\(609\) 292-6830](tel:6092926830) | Fax: [\(609\) 633-6337](tel:6096336337)

<http://www.state.nj.us/grc/>