



JOSEPH C. BODEK, RMC, R.P.P.O

City of Linden
UNION COUNTY, NEW JERSEY
OFFICE OF CITY CLERK
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February 26, 2019

Ethics Watch NJ

Opra+request-3968-cca46faa@requests.opramachine.com

File Number: 2019-106

Re: OPRA Request – Police Records

Dear Ethics Watch NJ:

The City of Linden received your Open Public Records Act (OPRA) request on February 6, 2019. The official Records Custodian, Joseph C. Bodek, received your OPRA request on February 6, 2019. As such, the seventh (7th) business day deadline to respond to your request is Friday, February 15, 2018. On the 6th business day, a partial response was sent to you indicating that the City Clerk's Office needed an extension to fulfill your request. Therefore, this final response is being provided to you on the 13th business day.

You requested the following: "We are requesting police reports, 911 calls, dispatch communications between Linden and ANY New Jersey Law Enforcement agencies, EMT reports, and any other relevant information regarding any incidents regarding Linden 3rd Ward Councilman Peter Brown on 1/31/19-2/1/19. This should include, but is not excluded to calls for 101 Blancke Street and 401 North Wood Avenue."

The final part of your request is 1 CD with a fee of \$0.50. In order to receive the record payment must be made by check or money order payable to the City of Linden. Once payment is received, the CD will be mailed to the address provided on the request form. Please be advised that the CD has been edited with redactions in accordance to N.J.S.A. 47:1A-9 Executive Order No. 26 McGreevey – HIPAA, N.J.S.A. 47:1A-1(24) Privacy Interest and N.J.S.A. 47: 1A-1.1 Personal Information.

If you feel that your request for access to a government record has been improperly denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision of the City of Linden to deny access. I have attached information, from the Government Records Council regarding the process to file a complaint.

Sincerely yours,

Jennifer Honan
Deputy Records Custodian
City of Linden

New Jersey Government Records Council ("GRC")



What to do if your request for a record has been denied

The New Jersey Open Public Records Act (N.J.S.A. 47:1A-1 et seq.) permits a person who believes that he or she has been unlawfully denied access to a public record either to file a complaint with the GRC or to file suit in Superior Court to challenge the decision and compel disclosure. This poster describes the procedures for taking such actions.

To file a complaint with the GRC:

- Visit the GRC's website at www.nj.gov/grc for information and to register your complaint. In the alternative, you may contact the GRC by telephone at 1-866-850-0511 or by e-mail at government.records@dca.nj.gov.
- When you file the written complaint, the GRC will offer both you and the public agency non-adversarial, impartial mediation. If mediation is not accepted or is not successful, the GRC will investigate the complaint.
- In some cases, the GRC can award attorney's fees to a complainant or impose a fine against a records custodian.
- There is no fee to file a complaint with the GRC.

To file a complaint in Superior Court:

- A requestor may start a summary (expedited) lawsuit in the Superior Court. A written complaint and order to show cause must be filed with the court.
- The court requires a filing fee, and you must serve the lawsuit papers on the appropriate parties.
- The court will schedule a hearing to resolve the dispute.
- If you disagree with the court's decision, you may appeal the decision to the Appellate Division of the Superior Court.
- If you are successful, you may be entitled to reasonable attorney's fees.
- You may wish to consult with an attorney to learn about initiating and pursuing a summary lawsuit in the Superior Court.
- Filing suit in Superior Court may result in a faster resolution, because the courts adjudicate cases every day, whereas the GRC only meets once a month.

Government Records Council, P.O. Box 819, Trenton, New Jersey 08625-0819