

OR-544

-----Original Message-----

From: blueraspberry lemonade <opra+request-67332-8ba131bc@requests.opramachine.com>

Sent: Monday, September 30, 2024 9:51 AM

To: Town Clerk <townclerk@twpofwashington.us>

Subject: OPRA request - Request for emergency services

RECEIVED

SEP 30 2024

TOWNSHIP CLERK

Caution: External E-mail

Dear Washington Township (Bergen),

Please accept this electronic request for public records made under OPRA and the common law right of access. I am not required to fill out an official form or use a particular software platform to submit my request per NJSA 47:1A-6(f), which states that an email from a requestor including all of the information required on the adopted form shall suffice in place of a completed form as a valid government record request.

I HAVE NOT been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

I WILL NOT use the requested government records for a commercial purpose.

I AM NOT seeking records in connection with a legal proceeding.

Records requested:

A list of any red light or blue light permits issued, maintained, renewed, or duplicated to any person by your municipality between January 1, 2013, and December 31, 2023, including the document type, document number, issue date, the first name, middle name or initial, and last name, rank or title, license number, vehicle number, vehicle type, vehicle description, department or organization name, circumstances for issuance, and name and signature of person(s) approving. Documents, correspondences, letters, messages, emails, signed application forms, unsigned application forms, completed application forms, copies of the permits themselves, copies of training certificates, licenses, and records or documents generated in the process of any red light or blue light permits issued, maintained, renewed, or duplicated to any person by your municipality between January 1, 2013, and December 31, 2023.

A list of vehicles that were issued to any individual for that individual's regular use, including the make, model, year, license number, identification number, type, and description of the vehicle and to whom it was issued (name, department, title, rank), and circumstances for issuance, owned, leased, or provided by your municipality between July 31, 2019, and July 31, 2024

Any and all reports made to the municipality or contracted by the municipality to be made into the emergency services, law enforcement, fire, emergency medical services, first aid, rescue, emergency management organizations, in the timeframe of January 1, 2013, and December 31, 2023. This includes any studies or analysis of the actions or responses of the agencies.

List of all emergency calls in your municipality that were handled by an outside agency or mutual aid in the timeframe of July 31, 2019, and July 31, 2024.

any agreements entered or contracts signed by your municipality for the provision of emergency services in the timeframe of July 31, 2019, and July 31, 2024.

any awards, complaints, compliments, citations, comments, reports or commendations made regarding a first responder, police officer, dispatcher, EMT, paramedic, firefighter, code enforcement officer, law enforcement officer between June 30, 2014 to June 30, 2024. any accident reports, incident reports, aided reports, operations reports, internal affairs records, investigation reports, citations, summonses issued, charge sheets, disposition of charges, court records, legal actions, lawsuits filed, settlement agreements, judgements, CAD / dispatcher / police journal entry records, ambulance reports, patient care reports, fire department response reports, sobriety test results, total station diagrams, accident reconstruction diagrams and reports, 911 tapes, any dispatch calls, images, recordings, video recordings, surveillance video, dashboard camera video, body worn camera video of any incidents itself or any persons being interviewed by the police, and email or other written communications relating to any awards, complaints, compliments, citations, comments, reports made regarding a first responder, police officer, dispatcher, EMT, paramedic, firefighter, code enforcement officer, law enforcement officer between June 30, 2014 to June 30, 2024.

records regarding the administration of your municipality's stipend, rewards, compensation, incentive or "Length of Service Awards Program" for volunteer personell from January 1, 2013 to June 31, 2024, to include a year by year list of persons, their title(s), department, amounts or descriptions of the award, any certification forms, application forms, certification lists, vesting documents, letters, emails, correspondences, agreements, contracts related to your municipality's incentive programs for volunteers from January 1, 2013 to June 31, 2024.

My preferred delivery method for response(s) to this request is by E-mail as attachments. Please confirm you have received this request. If you are not the custodian of records, please forward my request to that person and provide their email address to me for future reference.

Yours faithfully,

blueraspberry lemonade

Please deliver records electronically via email to the below UNIQUE address for all replies to this request:

opra+request-67332-8ba131bc@requests.opramachine.com

Is townclerk@twpofwashington.us the wrong address for OPRA requests to Washington Township (Bergen)? If so, please contact us using this form:

https://urldefense.proofpoint.com/v2/url?u=https-3A_opramachine.com_change-5Frequest_new-3Fbody-3Dwashington-5Ftownship-5Fbergen&d=DwlFaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_Cdp gnVfiiMM&r=xe6LILGY4fBqf2qF2SfWyQPyzkOmFj7ck01xsbil5ts&m=ll5mUjl_mdTT2sBU2p35O8-ZMr16QRHSRkAlrj66AG99VucAeT5bCzzWQcx7BEMa&s=yR32l6ujGR6WWCkLdbi7pBMp2sJn7lAdt8A--Z917Cs&e=

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:

https://urldefense.proofpoint.com/v2/url?u=https-3A_opramachine.com_help_officers&d=DwlFaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_Cdp gnVfiiMM&r=xe6LILGY4fBqf2qF2SfWyQPyzkOmFj7ck01xsbil5ts&m=ll5mUjl_mdTT2sBU2p35O8-ZMr16QRHSRkAlrj66AG99VucAeT5bCzzWQcx7BEMa&s=ntBSwPSuDQF3OZyQMcnLaRDL9NtmgrOwxargMTH-ol0&e=

View this OPRA request & responses online:

https://urldefense.proofpoint.com/v2/url?u=https-3A_opramachine.com_request_request-5Ffor-5Femergency-5Fservices-5F2&d=DwlFaQ&c=euGZstcaTDllvimEN8b7jXrwqOf-v5A_Cdp gnVfiiMM&r=xe6LILGY4fBqf2qF2SfWyQPyzkOmFj7ck01xsbil5ts&m=ll5mUjl_mdTT2sBU2p35O8-ZMr16QRHSRkAlrj66AG99VucAeT5bCzzWQcx7BEMa&s=xvN9Szz8fwMocotVEw9AEFT3rk3yWzsfSsrp3W1p4&e=

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

"OPRAMachine's mission is to give people easy and affordable access to New Jersey public records.

For more information, contact us at: (732) 707-1628 or PO Box 3180, New Brunswick, NJ 08903."



350 Hudson Ave, Twp. of Washington, NJ 07676-4799, Tel: 201-664-4425 Fax 201-664-8281
Office of the Township Clerk, Susan Witkowski



October 9, 2024/OR-544-Part 2 of 2

Blueraspberry lemonade

Sent electronically to:

blueraspberry lemonade <opra+request-67332-8ba131bc@requests.opramachine.com>

Dear blueraspberry lemonade,

The Township of Washington received your Open Public Records Act (OPRA) request on September 30, 2024. The official Records Custodian Susan Witkowski received your OPRA request on September 30, 2024. As such, the seven (7) business day deadline to respond to your request was October 9, 2024, 2024. This response to your request is being provided to you on the 7th business day after the custodian's receipt of said request.

Your OPRA request sought access to the following:

Documents, correspondences, letters, messages, emails, signed application forms, unsigned application forms, completed application forms, copies of the permits themselves, copies of training certificates, licenses, and records or documents generated in the process of any red light or blue light permits issued, maintained, renewed, or duplicated to any person by your municipality between January 1, 2013, and December 31, 2023-

List of all emergency calls in your municipality that were handled by an outside agency or mutual aide in the timeframe of July 31, 2019, and July 31, 2024

any agreements entered or contracts signed by your municipality for the provision of emergency services in the timeframe of July 31, 2019, and July 31, 2024

Your request requires additional time beyond the seven (7) business days to the information to respond to your request. OPRA allows custodians to seek extensions of time pursuant to N.J.S.A. 47:1A-5.i. Specifically, OPRA states that, "the requestor shall be advised by the custodian when the record can be made available. If the record is not made available by that time, access shall be deemed denied.

I request an extension to gather those records and if it is anticipated that this will create a voluminous number of responsive records, we reserve the right to implement a special service charge once the initial search has been completed.

Your request requires an extension of time until October 23, 2024.

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 Washington 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 P.O. Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The GRC 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.

Sincerely,

Susan Witkowski, RMC

Township of Washington

switkowski@twpofwashington.us

201-664-4425



350 Hudson Ave, Twp. of Washington, NJ 07676-4799, Tel: 201-664-44256 Fax 201-664-8281
Office of the Township Clerk, Susan Witkowski



October 9, 2024/OR544-**Part 1 of 2**

Blueraspberry lemonade

Sent electronically to:

blueraspberry lemonade <opra+request-67332-8ba131bc@requests.opramachine.com>

Dear blueraspberry lemonade,

The Twp. of Washington received your Open Public Records Act (OPRA) request on September 30, 2024. The official Records Custodian, Susan Witkowski received your OPRA request on September 30, 2024. As such, the seven (7) business day deadline to respond to your request was October 9, 2024. This response to your request is being provided to you on the 7th business day after the custodian's receipt of said request.

The table below identifies the records that being denied in whole or in part as well as the legal basis for each denial, as is required by N.J.S.A. 47:1A-6.

List of all records responsive to OPRA request (include the number of pages for each record).	List of all records provided, <u>with redactions</u> , or denied in their entirety.	If records are disclosed with redactions, give a general nature description of the redactions.	If records were denied in their entirety, give a general nature description of the record.	List the legal explanation and statutory citation for the denial of access to records in their <u>entirety</u> or <u>with redactions</u> .
N/A	A list of any red light or blue light permits issued, maintained, renewed, or duplicated to any person by your municipality between January 1, 2013, and December 31, 2023, including the document type, document number, issue date, the first name, middle name or initial, and last name, rank or title, license number, vehicle number, vehicle type, vehicle description, department or organization name, circumstances for issuance, and name and signature of person(s) approving.	N/A	Denied because it is overbroad and fails to request specific identifiable government records. There is no obligation to conduct research and create a record in response to an OPRA request. (See <u>N.J.S.A. 47:1A-5(g)</u> "A custodian shall not be required to complete a request ... if the custodian determines that the request would require research and the collection of information from the contents of government records and the creation of new government	<u>N.J.S.A. 47:1A-5(g)</u>

			records setting forth that research and information”;(See also <u>MAG Entm’t, LLC v. Division of Alcohol Beverage Control</u>, 375 N.J. Super. 534 (App. Div. 2005))(Under OPRA, agencies are required to disclose only identifiable government records not otherwise exempt. It does not allow open-ended searches of an agency’s files.) *****	
To be determined	“Documents, correspondences, letters, messages, emails, signed application forms, unsigned application forms, completed application forms, copies of the permits themselves, copies of training certificates, licenses, and records or documents generated in the process of any red light or blue light permits issued, maintained, renewed, or duplicated to any person by your municipality between January 1, 2013, and December 31, 2023.”	To be determined	Request for “correspondence, letters, messages, emails” is denied for failure to identify a specific job title or accounts to be searched and is not confined to a reasonable time period as required by <u>N.J.S.A. 47:1A-5(g)</u>; and (2) request for “documents, training certificates, licenses, records generated in the process of any red light or blue light permits ...” is overbroad and fails to request specific identifiable government records. The term “generated in the process” is not proper as it would require the custodian to conduct research to determine what if any records would be responsive to the request.	<u>N.J.S.A. 47:1A-5(g)</u>
N/A	A list of vehicles that were issued to any individual for that individual’s regular use, including the make, model, year, license number, identification number, type, and description of the vehicle and to whom it was issued (name, department, title, rank), and circumstances for issuance, owned, leased, or provided by your	N/A	– Request is overbroad and vague. The terms “vehicles” and “any individual” are not proper as it would require the custodian to conduct research to determine what if any records would be responsive to the request. Please clarify “vehicles”	<u>N.J.S.A. 47:1A-5(g)</u>

N/A	municipality between July 31, 2019, and July 31, 2024 Any and all reports made to the municipality or contracted by the municipality to be made into the emergency services, law enforcement, fire, emergency medical services, first aid, rescue, emergency management organizations, in the timeframe of January 1, 2013, and December 31, 2023. This includes any studies or analysis of the actions or responses of the agencies.	N/A	and “any individual”. Request is overbroad and vague and is denied. “Any and all reports” fails to request specific identifiable government records and would require the custodian to conduct research. Under OPRA, agencies are required to disclose only identifiable government records not otherwise exempt. It does not allow open-ended searches of an agency’s files. See <u>MAG Entm’t, LLC v. Division of Alcohol Beverage Control</u>, 375 N.J. Super. 534 (App. Div. 2005); <u>N.J.S.A. 47:1A-5(g)</u>.	<u>N.J.S.A. 47:1A-5(g)</u> .
To be determined	List of all emergency calls in your municipality that were handled by an outside agency or mutual aide in the timeframe of July 31, 2019, and July 31, 2024.	To be determined	N/A	To be determined
To be determined	any agreements entered or contracts signed by your municipality for the provision of emergency services in the timeframe of July 31, 2019, and July 31, 2024.	To be determined	N/A	To be determined
N/A	any awards, complaints, compliments, citations, comments, reports or commendations made regarding a first responder, police officer, dispatcher, EMT, paramedic, firefighter, code enforcement officer, law enforcement officer between June 30, 2014 to June 30, 2024.	N/A	denied because the records requested are personnel records which are exempt from OPRA pursuant to <u>N.J.S.A. 47:1A-10</u> .	<u>N.J.S.A. 47:1A-10</u>
N/A	any accident reports, incident reports, aided reports, operations reports, internal affairs records, investigation reports,	N/A	Request is overbroad, vague and fails to request specific identifiable government records	<u>N.J.S.A. 47:1A-5(g)</u>

	citations, summonses issued, charge sheets, disposition of charges, court records, legal actions, lawsuits filed, settlement agreements, judgements, CAD / dispatcher / police journal entry records, ambulance reports, patient care reports, fire department response reports, sobriety test results, total station diagrams, accident reconstruction diagrams and reports, 911 tapes, any dispatch calls, images, recordings, video recordings, surveillance video, dashboard camera video, body worn camera video of any incidents itself or any persons being interviewed by the police		whatsoever. This request is denied. Under OPRA, agencies are required to disclose only identifiable government records not otherwise exempt. It does not allow open-ended searches of an agency's files. See <u>MAG Entm't, LLC v. Division of Alcohol Beverage Control</u>, 375 N.J. Super. 534 (App. Div. 2005).	
N/A	email or other written communications relating to any awards, complaints, compliments, citations, comments, reports made regarding a first responder, police officer, dispatcher, EMT, paramedic, firefighter, code enforcement officer, law enforcement officer between June 30, 2014 to June 30, 2024.	N/A	Denied for the following reasons: (1) the records requested are personnel records which are exempt from OPRA pursuant to <u>N.J.S.A. 47:1A-10</u>; (2) this request for emails and other communication fails to identify a specific job title or accounts to be searched, fails to identify a specific subject matter and is not confined to a reasonable time period as required by <u>N.J.S.A. 47:1A-5(g)</u>;	<u>N.J.S.A. 47:1A-5(g)</u>
N/A	records regarding the administration of your municipality's stipend, rewards, compensation, incentive or "Length of Service Awards Program" for volunteer personnel from January 1, 2013 to June 31, 2024, to include a year by year list of persons, their title(s), department, amounts or descriptions of the award, any certification forms, application forms, certification lists, vesting documents, letters, emails, correspondences, agreements, contracts related to your	N/A	Request is overbroad and vague and is denied. "Records regarding the administration" fails to request specific identifiable government records and would require the custodian to conduct research. Under OPRA, agencies are required to disclose only identifiable government records not otherwise exempt. It does not allow open-ended searches of an	<u>N.J.S.A. 47:1A-5(g)</u>

	municipality's incentive programs for volunteers from January 1, 2013 to June 31, 2024.		agency's files. See <u>MAG Entm't, LLC v. Division of Alcohol Beverage Control</u> , 375 N.J. Super. 534 (App. Div. 2005); N.J.S.A. 47:1A-5(g).	
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* A list of OPRA's exemptions is attached to this response letter.

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 Washington 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 P.O. Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their 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.

Sincerely,



Susan Witkowski, RMC
Custodian of Records
201-664-4425
switkowski@twpofwashington.us



OPRA EXEMPTIONS

(Exceptions are noted in italics)

N.J.S.A. 47:1A-1 (Legislative Findings)

- 1) Privacy Interest - "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 citizen's reasonable expectation of privacy." *See Burnett v. Cnty. of Bergen, 198 N.J. 408 (2009).*

N.J.S.A. 47:1A-1.1

- 2) Inter-agency or intra-agency advisory, consultative or deliberative material

Note: refers generally to draft documents or documents used in a deliberative process.

- 3) Legislative records:
 - a. information received by a member of the Legislature from a constituent or information held by a member of the Legislature concerning a constituent, including but not limited to information in written form or contained in any e-mail or computer data base, or in any telephone record whatsoever, *unless it is information the constituent is required by law to transmit;*
 - b. any memorandum, correspondence, notes, report or other communication prepared by, or for, the specific use of a member of the Legislature in the course of the member's official duties, *except that this provision shall not apply to an otherwise publicly-accessible report which is required by law to be submitted to the Legislature or its members.*
- 4) any copy, reproduction or facsimile of any photograph, negative or print, including instant photographs and videotapes of the body, or any portion of the body, of a deceased person, taken by or for the medical examiner at the scene of death or in the course of a post mortem examination or autopsy made by or caused to be made by the medical examiner, *except:*
 - a. *for use by a legal next of kin, a legal representative, or an attending physician of the deceased person,*
 - b. *for the use as a court of this State permits, or for use by any law enforcement agency in this State or any other state or federal law enforcement agency.*
- 5) Criminal investigatory records - records which are not required by law to be made, maintained or kept on file that are held by a law enforcement agency which pertain to any criminal investigation or related civil enforcement proceeding.

Note: N.J.S.A. 47:1A-3(b) lists specific criminal investigatory information which must be disclosed).

The portion of any criminal record concerning a person's detection, apprehension, arrest, detention, trial or disposition for unlawful manufacturing, distributing, or dispensing, or possessing or having under control with intent to manufacture, distribute, or dispense, marijuana or hashish in violation of paragraph (11) of subsection b. of N.J.S.A. 2C:35-5, or a lesser amount of marijuana or hashish in violation of paragraph (12) of subsection b. of that section, or a violation of either of those paragraphs and a violation of subsection a. of section 1 of N.J.S.A. 2C:35-7 or subsection a. of section 1 of N.J.S.A. 2C:35-7.1 for distributing, dispensing, or possessing, or having under control with intent to distribute or dispense, on or within 1,000 feet of any school property, or on or within 500 feet of the real property comprising a public housing facility, public park, or public building, or for obtaining, possessing, using, being under the influence of, or failing to make lawful disposition of marijuana or hashish in violation of paragraph (3) or (4) of subsection a., or subsection b., or subsection c. of N.J.S.A. 2C:35-10, or for a violation of any of those provisions and a violation of N.J.S.A. 2C:36-2 for using or possessing with intent to use drug paraphernalia with that marijuana or hashish;

6) Victims' records

- a. victims' records, *except that a victim of a crime shall have access to the victim's own records*

Note: the definition of a "victim's record" is an individually identifiable file or document held by a victims' rights agency which pertains directly to a victim of a crime except that a victim of a crime shall have access to the victim's own records. "Victims' rights agency" means a public agency, or part thereof, the primary responsibility of which is providing services, including but not limited to food, shelter, or clothing, medical, psychiatric, psychological or legal services or referrals, information and referral services, counseling and support services, or financial services to victims of crimes, including victims of sexual assault, domestic violence, violent crime, child endangerment, child abuse or child neglect, and the Victims of Crime Compensation Board.

However, victims may seek and obtain records regarding their victimization regardless of whether same are held by a "victim's rights agency".

- b. any written OPRA request by a crime victim for a record to which the victim is entitled to access, including, but not limited to, any law enforcement agency report, domestic violence offense report, and temporary or permanent restraining order;

7) Personal firearms records, *except*

- a. *For use by any person authorized by law to have access to these records or for use by any government agency, including any court or law enforcement agency, for purposes of the administration of justice;*

Personal identifying information received by the Division of Fish and Wildlife in the Department of Environmental Protection in connection with the issuance of any license authorizing hunting with a firearm

- 8) Trade secrets and proprietary commercial or financial information obtained from any source. Includes data processing software obtained by a public agency under a licensing agreement which prohibits its disclosure.
- 9) Any record within the attorney-client privilege. *This paragraph does not allow for a denial of attorney invoices in their totality*; however, redactions may apply for information contained in the invoices that are protected under the privilege.
- 10) Administrative or technical information regarding computer hardware, tablets, telephones, electronic computing devices, software applications, and networks or devices which operate on or as a part of a computer network or related technologies within the same, which shall include system logs, event logs, transaction logs, tracing logs, or any logs which are reasonably construed to be similar to the same and generated by the devices or servers covered within this paragraph, which, if disclosed, could jeopardize computer security, or related technologies.
- 11) Emergency or security information or procedures for any buildings or facility which, if disclosed, would jeopardize security of the building or facility or persons therein.
- 12) Security measures and surveillance techniques which, if disclosed, would create a risk to the safety or persons, property, electronic data or software.
- 13) Security alarm system activity and access reports, including video footage, for any public building, facility, or grounds *unless the request identifies a specific incident that occurred, or a specific date and limited time period at a particular public building, facility, or grounds, and is deemed not to compromise the integrity of the security system by revealing capabilities and vulnerabilities of the system.*
- 14) Information which, if disclosed, would give an advantage to competitors or bidders, including detailed or itemized cost estimates prior to bid opening.
- 15) Information generated by or on behalf of public employers or public employees in connection with:
 - a. Any sexual harassment complaint filed with a public employer;
 - b. Any grievance filed by or against an individual; or
 - c. Collective negotiations, including documents and statements of strategy or negotiating position.
- 16) Information which is a communication between a public agency and its insurance carrier, administrative service organization or risk management office.

- 17) Information which is to be kept confidential pursuant to court order.
- 18) Certificate of honorable discharge issued by the United States government (Form DD-214, NBG-22, or other form) filed with a public agency, *except that a veteran or the veteran's spouse or surviving spouse shall have access to the veteran's own records.*
- 19) Any copy of an oath of allegiance, oath of office, or any affirmation for incoming, current, and former officers and employees in State, County, or municipal government, and including members all members of the Legislative, Executive, and Judicial branches of government, *except that full name, title, and oath date are not confidential.*
- 20) Personal identifying information. Specifically:
 - a. Social security numbers, *except that a social security number contained in a record required by law to be made, maintained or kept on file by a public agency shall be disclosed when access to the document or disclosure of that information is not otherwise prohibited by State or federal law, regulation or order or by State statute, resolution of either or both houses of the Legislature, Executive Order of the Governor, rule of court or regulation promulgated under the authority of any statute or executive order of the Governor.*
 - b. In accordance with section 2 of N.J.S.A. 47:1B-2, commonly known as "Daniel's Law", that portion of any document which discloses the home address, whether a primary or secondary residence, of any active, formerly active, or retired judicial officer, law enforcement officer, child protective investigator in the Division of Child Protection and Permanency, or prosecutor, or, as defined in section 1 of N.J.S.A. 47:1B-1, any immediate family member thereof.
 - c. Credit card numbers.
 - d. Debit card numbers.
 - e. Bank account information.
 - f. Month and day of birth.
 - g. Personal e-mail address required by a public agency for government applications, services, or programs.
 - h. Telephone numbers.
 - i. Drivers' license numbers.

Except for:

- *use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf thereof,*
- *any private person or entity seeking to enforce payment of court-ordered child support;*

- *with respect to the disclosure of driver information by the New Jersey Motor Vehicle Commission as permitted by section 2 of P.L. 1997, c. 188 (C. 39:2-3.4);*
 - *with respect to the disclosure of information included in records and documents maintained by the Department of the Treasury in connection with the State's business registry programs;*
- 21) That portion of any document that discloses the personal identifying information of any person provided to a public agency for the sole purpose of receiving official notifications.
 - 22) List of persons in need of special assistant during an emergency maintained at either the municipal or county level in accordance with section 1 of P.L.2017, c.266 (C.40:48-2.67) or section 6 of P.L.2011, c.178 (C.App.A:9-43.13).
 - 23) Juvenile information - that portion of any document that requires and would disclose personal identifying information of persons under the age of 18 years, *except:*
 - a. *with respect to the disclosure of driver information by the New Jersey Motor Vehicle Commission as permitted by section 2 of P.L.1997, c.188 (C.39:2-3.4) or the disclosure of driver information to any insurer or insurance support organization, or a self-insured entity, or its agents, employees, or contractors, for use in connection with claims investigation activities, antifraud activities, rating, or underwriting, and*
 - b. *with respect to the disclosure of voter information on voter and election records pursuant to section 8 of P.L.2024, c.16 (C.47:1A-5.3);*
 - 24) Personal identifying information disclosed on domestic animal permits, licenses, and registration.
 - 25) Metadata - structured reference data that helps to sort and identify attributes of the information it describes, referred to as metadata, or any extrapolation or compilation thereof, which shall include the SMTP header properties of emails, except that portion that identifies authorship, identity of editor, and time of change.
 - 26) New Jersey State Firemen's Association financial relief applications.
 - 27) Owner and maintenance manuals.
 - 28) HIPAA data - data classified under the "Health Insurance Portability and Accountability Act of 1996," Pub.L.104-191.
 - 29) Any indecent or graphic images of a person's intimate parts, as defined in section 10 of P.L.2024, c.16 (C.47:1A-5.2), that are captured in a photograph or video recording without the prior written consent of the subject of the photograph or video footage, as defined in section 10 of P.L.2024, c.16 (C.47:1A-5.2).

30) Certain records of higher education institutions:

- a. Pedagogical, scholarly and/or academic research records and/or the specific details of any research project, *except that a custodian may not deny inspection of a government record or part thereof that gives the name, title, expenditures, source and amounts of funding and date when the final project summary of any research will be available.*
- b. Test questions, scoring keys and other examination data pertaining to the administration of an examination for employment or academic examination.
- c. Records of pursuit of charitable contributions or records containing the identity of a donor of a gift if the donor requires non-disclosure of the donor's identity as a condition of making the gift provided that the donor has not received any benefits of or from the institution of higher education in connection with such gift other than a request for memorialization or dedication.
- d. Valuable or rare collections of books and/or documents obtained by gift, grant, bequest or devise conditioned upon limited public access.
- e. Information contained on individual admission applications.
- f. Information concerning student records or grievance or disciplinary proceedings against a student to the extent disclosure would reveal the identity of the student.

N.J.S.A. 47:1A-1.2

31) Biotechnology trade secrets.

N.J.S.A. 47:1A-2.2

- 32) Limitations to convicts - personal information pertaining to the person's victim or the victim's family, including but not limited to a victim's home address, home telephone number, work or school address, work telephone number, social security account number, medical history or any other identifying information. *Information may be released only if the information is necessary to assist in the defense of the requestor. A determination that the information is necessary to assist in the requestor's defense shall be made by the court upon motion by the requestor or his representative.*

N.J.S.A. 47:1A-3(a)

- 33) Ongoing investigations – any records pertaining to an investigation in progress by any public agency if disclosure of such record or records shall be detrimental to the public interest. *This provision shall not be construed to allow any public agency to prohibit access to a record of that agency that was open for public inspection, examination, or copying before the investigation commenced.*

N.J.S.A. 47:1A-5(k)

- 34) Public defender records that relate to the handling of any case, *unless authorized by law, court order, or the State Public Defender.*

N.J.S.A. 47:1A-5.3

- 35) Certain election records exempt from disclosure:
- a. Ballots marked by a voter, vote tabulations, or election results for any election prior to the time of the closing of the polls on the date of the election, *except as otherwise provided for by law, rule, or regulation;* and
 - b. Manuals instructions, specifications, technical information, or programming code of computers, software, applications, networks, tablets, voting machines, printers, scanners, and any other equipment, systems, policies or plans used for the conduct of elections, the disclosure of which, could have the potential to jeopardize the security, integrity or accuracy of the conduct of elections, tabulation of votes, or determination of election results, *except as otherwise provided for by law, rule, or regulation, or in response to a subpoena or order of a court or tribunal of competent jurisdiction.*

N.J.S.A. 47:1A-9(a)-(b)

- 36) Upholds exemptions contained in other State or federal statutes and regulations, Executive Orders of the Governor, Rules of Court, Constitution of this State, or judicial case law.

N.J.S.A. 47:1A-10

- 37) Personnel and pension records, *except specific information identified as follows:*
- a. *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 pension received,*
 - b. *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 United States, or when authorized by an individual in interest.*
 - c. *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.*

In accordance with OPRA's "catch-all" exemption at N.J.S.A. 47:1A-9, the following executive orders also apply as exemptions under OPRA:

Executive Order No. 21 (McGreevey 2002)

- 1) 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.
- 2) Records exempted from disclosure by State agencies' promulgated rules are exempt from disclosure by this Order.
- 3) Executive Orders No. 9 (Hughes), 11 (Byrne), 79 (Byrne) and 69 (Whitman) are hereby continued to the extent that they are not inconsistent with this Executive Order.

Executive Order No. 9 (Hughes) exemptions that are still active:

- a. Questions on examinations required to be conducted by any State or local governmental agency;
- b. Personnel and pension records (same as N.J.S.A. 47:1A-10);
- c. Records concerning morbidity, mortality and reportable diseases of named persons required to be made, maintained or kept by any State or local governmental agency;
- d. Records which are required to be made, maintained or kept by any State or local governmental agency which would disclose information concerning illegitimacy;
- e. Fingerprint cards, plates and photographs and other similar criminal investigation records which are required to be made, maintained or kept by any State or local governmental agency;
- f. Criminal records required to be made, maintained and kept pursuant to the provisions of R. S. 53:1-20.1 and R. S. 53:1- 20.2;
- g. Personal property tax returns required to be filed under the provisions of Chapter 4 of Title 54 of the Revised Statutes; and
- h. Records relating to petitions for executive clemency.

Executive Order No. 11 (Byrne) exemptions are the same as N.J.S.A. 47:1A-10.

Executive Order No. 79 (Byrne) exemptions are the similar to # 8, 9, 10 above under N.J.S.A. 47:1A-1.1.

Executive Order No. 69 (Whitman) exemptions that are still active: Fingerprint cards, plates and photographs and similar criminal investigation records that are required to be made, maintained or kept by any State or local governmental agency.

Executive Order No. 26 (McGreevey 2002)

- 1) Certain records maintained by the Office of the Governor:
 - a. Any record made, maintained, kept on file or received by the Office of the Governor in the course of its official business which is subject to an executive privilege or grant of confidentiality established or recognized by the Constitution of this State, statute, court rules or judicial case law.
 - b. All portions of records, including electronic communications, that contain advisory, consultative or deliberative information or other records protected by a recognized privilege.
 - c. All portions of records containing information provided by an identifiable natural person outside the Office of the Governor which contains information that the sender is not required by law to transmit and which would constitute a clearly unwarranted invasion of personal privacy if disclosed.
 - d. If any of the foregoing records shall contain information not exempted by the provision of the Open Public Records Act or the preceding subparagraphs (a), (b) or (c) hereof then, in such event, that portion of the record so exempt shall be deleted or excised and access to the remainder of the record shall be promptly permitted.
- 2) Resumes, applications for employment or other information concerning job applicants while a recruitment search is ongoing. *The resumes of successful candidates shall be disclosed once the successful candidate is hired. The resumes of unsuccessful candidates may be disclosed after the search has been concluded and the position has been filled, but only where the unsuccessful candidate has consented to such disclosure.*
- 3) Records of complaints and investigations undertaken pursuant to the Model Procedures for Internal Complaints Alleging Discrimination, Harassment or Hostile Environments.
- 4) Information relating to medical, psychiatric or psychological history, diagnosis, treatment or evaluation.
- 5) Information in a personal income or other tax return
- 6) 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.
- 7) Test questions, scoring keys and other examination data pertaining to the administration of an examination for public employment or licensing.
- 8) Records in the possession of another department (including NJ Office of Information Technology or State Archives) when those records are made confidential by a regulation of that department or agency adopted pursuant to N.J.S.A. 47:1A-1 et seq. and Executive Order No. 9 (Hughes 1963), or pursuant to another law authorizing the department or agency to make records confidential or exempt from disclosure.

- 9) Records of a department or agency held by the Office of Information Technology (OIT) or the State Records Storage Center of the Division of Archives and Records Management (DARM) in the Department of State, or an offsite storage facility outside of the regular business office of the agency. Such records shall remain the legal property of the department or agency and be accessible for inspection or copying only through a request to the proper custodian of the department or agency. In the event that records of a department or agency have been or shall be transferred to and accessioned by the State Archives in the Division of Archives and Records Management, all such records shall become the legal property of the State Archives, and requests for access to them shall be submitted directly to the State Archives.