



State of New Jersey

DEPARTMENT OF CORRECTIONS
WHITTLESEY ROAD
PO BOX 863
TRENTON NJ 08625-0863

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

VICTORIA L. KUHN, ESQ.
Acting Commissioner

March 24, 2022

Sent via E-mail to:
cbrostein@wglaw.com &
opra+request-30163-df4dcf36@request.opramachine.com

Carol Brotstein
Weber Gallagher
2000 Market Street, Ste. 1300
Philadelphia, Pennsylvania 19103

Re: OPRA Request – Tracking # 20070

Dear Ms. Brotstein:

The Department of Corrections has received your government records request. It has been assigned request number 20070 for internal tracking purposes. You have requested the following:

“Certified transcript of incarceration for Tywan A. Myrick, DOB 7/15/1983 at Garden State Youth Correctional Facility and Southern State Correctional Facility from 10/12/2007 and from 5/10/2012 respectively, and all other dates of incarceration, including charges and sentence imposed.”

In response to your request, please be advised that your request stated as “certified transcript of incarceration” is overly broad, invalid and improper and cannot be fulfilled as it does not adequately identify a particular government record(s) sought. Pursuant to MAG Entertainment LLC v. Division of Alcohol Beverage Control, 375 N.J. Super. 534 (App. Div. 2005), your request does not adequately identify the records you are seeking. OPRA allows for requests of records only, not requests for *information, data, or statistics*. OPRA “is not intended as a research tool . . . to force government officials to identify and siphon useful information.” *Id.* at 546. In other words, a records custodian is not required “to conduct research among its records . . . and correlate data from various government records in the custodian’s possession.” *Id.* at 546-47. “To qualify under OPRA then, the request must reasonably identify a record and not generally data, information or statistics.” Bent v. Township of Stafford Police 381 NJ Super 30 (App. Div 2005). In addition, you advised that your law firm does not represent Mr. Myrick. As such, any records pertaining to Mr. Myrick are exempt from disclosure under the New Jersey Open Public Records Act pursuant to privacy concerns announced in Burnette v. County of Bergen 198 NJ 408 (2009) and its progeny.

Accordingly, your request cannot be fulfilled and is denied.

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You have a right to challenge the decision by the Department of Corrections. 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 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.

Sincerely,



John Falvey
Records Custodian

c.: OPRA Records File

Denial of Access Appeal Info

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

To file a complaint with the Government Records Council:

Contact the GRC by phone at: 1-866-850-0511, by e-mail at grc@dca.state.nj.us, or review the GRC web site at www.nj.gov/grc for information and to register your complaint.

The GRC staff may be able to help resolve the problem over the phone. If not, you can receive a complaint form through the mail or from the web site.

When you file the written complaint, the GRC will offer you and the public agency non-adversarial, impartial mediation.

If mediation is not agreed to or fails, the GRC will investigate the complaint.

The investigation may result in findings or a formal decision by the GRC, which may include a hearing by the Council.

In some cases, the Council can award attorneys fees or fine a records custodian for failing to provide records.

Details of this process are available from the GRC.

There is no fee to file a complaint with the GRC.

To file a complaint in Superior Court:

A requester 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 \$200 filing fee, and you must serve the lawsuit papers on the appropriate public officials.

The court will schedule a hearing and resolve the dispute.

If you disagree with the court's decision, you may appeal the decision to the Appellate Division of Superior Court.

If you are successful, you may be entitled to reasonable attorney fees.

You may wish to consult with an attorney to learn about initiating and pursuing a summary lawsuit in the Superior Court.

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