



**TOWNSHIP OF MONTCLAIR
OPEN PUBLIC RECORDS ACT REQUEST FORM**

205 Claremont Avenue | Montclair, New Jersey 07042

Telephone 973-509-4900 | Fax 973-509-0874

OPRA@montclairnjusa.org

Angelese Bermúdez Nieves – Custodian of Records

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

REQUESTOR INFORMATION	PAYMENT INFORMATION
First Name _____ Last Name _____	Maximum Authorization Cost: \$ _____
E-mail Address _____	Payment Method: <input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> Credit Card
Mailing Address _____	Fee Schedule: Letter Size Pages - \$0.05/page
City _____ State _____ Zip Code _____	Legal Size Pages - \$0.07/page
Telephone _____ Fax _____	Other Materials – Actual Cost
Preferred Delivery Method: <input type="checkbox"/> Email <input type="checkbox"/> Pick Up <input type="checkbox"/> On-site Inspection <input type="checkbox"/> U.S. Mail	Extras: Special service charge dependent upon request
	Delivery: Actual Cost /Postage Fees

If requesting records containing personal information, please select one: Under penalty of N.J.S.A. 2C:28-3, I certify that I **HAVE** **HAVE NOT** been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

Signature _____ Date _____

Please be specific in describing the records being requested. Preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

I am requesting records from the following department(s): _____ for the property located at (if applicable) _____ and date range (if applicable) _____ to _____.

Building Office/Construction

Permit Number(s): _____
 Construction Permit(s)
 UCC Inspection Record(s)
 UCC Violation Record(s)
 Underground Storage Tank Record(s)
Other: _____

Code Enforcement/Prop. Maintenance

Code Violation Record(s)
 Complaint and Investigation Report(s)
 Inspection Record(s)
 Township Owned Property List
 Vacant Property Record(s)
Other: _____

Community Services (Public Works)

Division: *Engineering Bureau*
 Drainage/Storm Sewer Record(s)
 Flood Zone Record(s)
 Official Street Map
 Permit: Sidewalk, Curb, Driveway
 Steep Slope Record(s)
 Street Opening/Closing Record[s]
Other: _____

Fire Department/Fire Prevention Bureau

Fire/Incident Report(s)
 Inspections & Violations Report(s)
Other: _____

Health Department

Division: *Animal Control*
 Dog Bite Record(s) for: _____
 Rabies Record(s) for: _____
Other: _____
Division: *Environmental Health*
 Complaint and Investigation Report(s)
 Inspection Record(s)
 Permit Record(s)
Other: _____
Division: *Vital Statistics*
 Dog/Cat License(s) for: _____
Other: _____

Planning & Zoning

Site Plan Application File
 Subdivision Application File
 Variance Application File
 Zoning Permit File
Other: _____

Police Department

Case Number(s): _____
 Incident Report(s)
 Motor Vehicle Accident Report(s)
 Speed Data and Report(s)
Other: _____

Tax Assessor

Property Record Card
 Tax Assessment Record
Tax, Water, & Sewer (Billing)
 Account Statement: Tax, Water, Sewer
 Property Lien File
 Public Tax Database Report

Water & Sewer Utilities (Operations)

Inspection Report(s)
 Permit Record(s)

Other Public Document (identified below):

AGENCY USE ONLY Estimated Costs and Deposits
Estimated Document Cost: _____
Estimated Delivery Cost: _____
Estimated Materials Cost: _____
*Service Charge: _____
Total Estimated Cost: _____
Deposit Date: _____
Deposit Amount: _____
Estimated Balance: _____
*Pursuant to N.J.S.A. 47:1A-5.c

AGENCY USE ONLY Disposition Notes
Custodian: If any part of request cannot be delivered in seven business days, detail reasons here. _____ _____ _____
Letter(s) Sent Date
<input type="checkbox"/> Extension of Time: _____
<input type="checkbox"/> Clarification Request: _____
<input type="checkbox"/> Invalid/Denied (i.e., no record identified): _____
<input type="checkbox"/> Denied (i.e., exemption and/or redaction): _____
<input type="checkbox"/> Granted: _____

AGENCY USE ONLY Tracking Information
Received Date: _____
Reviewed By: _____
Sent to Dept. Date: _____
Dept. Completion Date: _____
Final Cost
Letter Size Pages (\$0.05/ea.): _____
Legal Size Pages (\$0.07/ea.): _____
Delivery/Postage: _____
Materials (ex. USB flash drive): _____
Service Charge: _____
Deposit Paid: _____
Total Amount Due: _____

DEPOSITS

The custodian may require a deposit against costs for reproducing documents sought through an anonymous request whenever the custodian anticipates that the documents requested will cost in excess of \$5.00 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 fact and 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): (To be completed by the Custodian of Records – check the box of the numbered exemption(s) as they apply to the records requested. If multiple records are requested, be specific as to which exemption(s) apply to each record. Response is due to requestor as soon as possible, but no later than seven business days.)

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 facility 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 or 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
- Unlisted telephone numbers
- Drivers' license numbers
- Certain records of higher education institutions:
 - Research records
 - Questions or scores for 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-5.k.
- 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
- Personnel and pension records (however, the following information must be disclosed):
 - 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
 - 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 citizen's 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.

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 or 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 or EO 9.

Other exemption(s) contained in a State statute, resolution of either or both House of the Legislature, regulation, Executive Order, Rules of Court, any 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.)

REQUEST FOR RECORDS UNDER THE COMMON LAW

If, in addition to requesting records under OPRA, you are also requesting the government records under the common law, please check the box below.

A public record under the common law is one required by law to be kept, or necessary to be kept in the discharge of a duty imposed by law, or directed by law to serve as a memorial and evidence of something written, said, or done, or a written memorial made by a public officer authorized to perform that function, or a writing filed in a public office. The elements essential to constitute a public record are that it be a written memorial, that it be made by a public officer, and that the officer be authorized by law to make it.

Yes, I am also requesting the documents under common law.

If the information requested is a "public record" under common law and the requestor has a legally recognized interest in the subject matter contained in the material, then the material must be disclosed if the individual's right of access outweighs the State's interest in preventing disclosure.

Please set forth your interest in the subject matter contained in the requested material:

Note that any challenge to a denial of a request for records under the common law cannot be made to the Government Records Council, as the Government Records Council only has jurisdiction to adjudicate challenges to denials of OPRA requests. A challenge to the denial of access under the common law can be made by filing an action in Superior Court.

Important Notice

The next page of this form contains important information related to your rights concerning government records. Please read it carefully.

1. All government records are subject to public access under the Open Public Records Act (“OPRA”), unless specifically exempt.
2. A request for access to a government record under OPRA must be in writing, hand-delivered, mailed, transmitted electronically, or otherwise conveyed to the appropriate custodian. N.J.S.A. 47:1A-5.g. The seven (7) business day response time does not commence until the records custodian receives the request form. If you submit the request form to any other officer or employee of the Township of Montclair, that officer or employee must either forward the request to the appropriate custodian, or direct you to the appropriate custodian. N.J.S.A. 47:1A-5.h
3. Requestors may submit requests anonymously. If you elect not to provide a name, address, or telephone number, or other means of contact, the custodian is not required to respond until you reappear before the custodian seeking a response to the original request.
4. The fees for duplication of a government record in printed form are listed on the front of this form. We 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 Montclair.
5. ***You may be charged a 50% or other deposit when a request for copies exceeds \$25.*** The Township of Montclair custodian will contact you and advise you of any deposit requirements. You agree to pay the balance due upon delivery of the records. Anonymous requests in excess of \$5.00 require a deposit of 100% of estimated fees.
6. 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. This includes anonymous requests for said information.
7. By law, the Township of Montclair 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.
8. 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.
9. If the Township of Montclair 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 or other written correspondence and send you a signed and dated copy.
10. 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.
11. 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 Montclair 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 PO 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.
12. Information provided on this form may be subject to disclosure under the Open Public Records Act.