

**State of New Jersey
Government Records Council
Statement of Information Form**

This form is to be used by Records Custodians as their response to a complaint filed with the Government Records Council (“GRC”) alleging the unlawful denial of a request to access government records under the Open Public Records Act (“OPRA”), N.J.S.A. 47:1A-1 et seq.

An offer to mediate this complaint has been denied by one or more of the parties, or mediation has not resolved the complaint, and the matter is now within the GRC’s jurisdiction. The GRC will conduct an investigation as part of the adjudication of the matter. The Custodian or the Custodian’s Legal Counsel may complete the Statement of Information. However, the Records Custodian (or alleged Records Custodian) must sign the Statement of Information. The GRC will also consider any legal briefs, additional documentation or information submitted with the Statement of Information.

The signed Statement of Information must be returned to:

Government Records Council
In care of [Case Manager’s Name]
101 South Broad Street
P.O. Box 819
Trenton, NJ 08625-0819
Phone: (609) [Case Manager’s Telephone Number]
Fax: (609) 633-6337
E-mail: [Case Manager’s e-mail address]

The Statement of Information must be received no later than five (5) business days from your receipt of this form. Failure to comply with this deadline may result in the GRC adjudicating this complaint based only on the information submitted in the Denial of Access Complaint by the requestor of the records.

Please note that by signing the Statement of Information, the Custodian (or alleged Custodian) is certifying that a copy will be provided to the Complainant simultaneously with it being provided to the GRC.

IMPORTANT: Do not provide any records or excerpts of records that the Custodian claims is privileged or not accessible to the public under OPRA. A general description of the records’ content will be sufficient.

DEFINITIONS: “Records request” or “request” refers to the formal OPRA request on which the complaint is based; “Requestor” or “Complainant” refers to the person who made the request on which this complaint is based; “Agency” refers to the public agency or subdivision of that agency to which the records request was directed; and “Records Custodian” or “Custodian” refers to the individual charged by the agency with the responsibility for fulfilling the request for records on which this complaint is based.

PART 1: CONTACT INFORMATION

1. GRC Complaint Number: _____

2. Name of Complainant: _____

3. Name of (Alleged) Custodian: _____

Job Title of (Alleged) Custodian: _____

4. Custodian's Public Agency: _____

Address: _____

Phone: _____

Fax: _____

E-mail: _____

5. Name of Custodian's Legal Counsel: _____

Address: _____

Phone: _____

Fax: _____

E-mail: _____

PART 2: ABOUT THE DENIAL OF ACCESS COMPLAINT

6. Attach a copy of the OPRA records request upon which this Complaint is based. Please mark this attachment “Item 6.”
7. Indicate the date on which the Custodian received the OPRA records request upon which this complaint is based. (If the Custodian did not receive an OPRA records request, simply indicate “None received.”)

8. Indicate the date on which the Custodian responded to the OPRA records request upon which this complaint is based. Provide all written documentation supporting the Custodian’s response. If you use additional pages to respond, please mark each page “Item 8.” (If the Custodian did not respond to the OPRA records request, simply indicate “No response was given.”)

9. In keeping with the GRC’s statutory mandate to investigate alleged denial of access complaints pursuant to N.J.S.A. 47:1A-7.e. and the court’s instruction that all Custodians responding to denial of access complaints provide a document index containing certain information to the GRC pursuant to its decision in John Paff v. NJ Department of Labor, 392 N.J. Super. 334 (App.Div. 2007), the Custodian **must** provide the document index table below. The document index table is **required** in the table format presented below. Please mark the table “Item 9.”

An example of the **required** document index in table format is as follows:

(A) List of all records responsive to Complainant’s OPRA request (include the number of pages for each record).	(B) List the Records Retention Requirement and Disposition Schedule for each records responsive to the Complainant’s OPRA request	(C) List of all records provided to Complainant, in their <u>entirety</u> or <u>with redactions</u> (include the <u>date</u> such records were provided).	(D) If records were disclosed with redactions, give a general nature description of the redactions.	(E) If records were denied in their entirety, give a general nature description of the record.	(F) List the legal explanation and statutory citation for the denial of access to records in their <u>entirety</u> or <u>with redactions</u>.
Example: Closed session minutes for the May 15, 2006 Council Meeting	Records Retention Requirement: Must be retained by agency permanently. Disposition Schedule: May be archived only (destruction not allowed)	Closed session minutes provided with redactions on June 20, 2007 (3 business days after receiving the OPRA request).	Redactions were made only to delete the discussion of the Council members regarding the personnel matter of Jane Doe.	N/A	<u>N.J.S.A. 47:1A-9.a.</u> (allows exemptions from disclosure contained in other state statutes to apply under OPRA) and <u>N.J.S.A. 10:4-12</u> (allows governing

					bodies to exclude the public from discussions of personnel matters).
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For more clarification of the information required in the document index in table format:

- A. An itemized list of all records responsive to the Complainant's OPRA request that were made, maintained, kept on file or received by your agency on the date of the request, regardless of whether you deem such records are exempt from disclosure.
 - B. State the agency's Records Retention Period (in years) and Destruction Schedule (in years) for each record responsive to the request as established and approved by the New Jersey Department of State, Division of Archives and Records Management.
 - C. Of the records responsive to the request, indicate which records, if any, were provided to the Complainant, in their entirety or with redactions, and the dates such records were provided.
 - D. Of the records responsive to the request and provided to the Complainant with redactions, give a general nature description of the redactions.
 - E. Of the records responsive to the request, and *not* provided to the Complainant in their entirety, give a general nature description of the record.
 - F. Specifically state the legal explanation and statutory citation (to OPRA or other law that applies) for such denial based on a public agency's burden of proving that all denials of access are authorized by law pursuant to N.J.S.A. 47:1A-6 and the court's instruction to provide same in John Paff v. NJ Department of Labor, 392 N.J. Super. 334 (App.Div. 2007).
10. Specifically describe the search undertaken to satisfy the records request upon which this complaint is based.
 11. Specifically state the last date on which documents that may have been responsive to the request were destroyed in accordance with the Records Destruction Schedule established and approved by New Jersey Department of State, Division of Archives and Records Management.
 12. Provide all facts and legal arguments in support of the Custodian's actions with regard to the handling of the OPRA records request upon which this complaint is based on an attached written statement marked "Item 12."

If the Custodian fails to complete this form completely and accurately (responding to each numbered item specifically as directed and providing a document index in table format), this form will be returned to the Custodian for proper completion thus prolonging the adjudication of the complaint.

By signing this Statement of Information, I certify that:

- I am the Custodian charged by the public agency with the responsibility for responding to the request for records on which this complaint is based; **or**
- I am the alleged Custodian of an organization I do not believe to be a public agency obliged under the provisions of OPRA;
- The documents attached hereto are true copies of all documents sent or received by the Custodian or the Custodian’s staff (records the custodian claims are privileged or not accessible to the public under OPRA are not included);
- A copy of this Statement of Information will be provided to the Complainant simultaneously with it being provided to the GRC; and
- The foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment pursuant to the New Jersey Court Rule 1:4-4.

Signature: _____

Printed Name: _____

Job Title: _____

Date: _____