



**NEW JERSEY GOVERNMENT RECORDS COUNCIL**  
**Administrative Complaint Disposition – Not a Valid OPRA Request**

**GRC Complaint No.:** 2012-01

**Complainant:** George Baeslack

**Public Agency:** The Port Authority of New York and New Jersey

**Custodian of Record:** Daniel Duffy<sup>1</sup>

**Date of Request:** October 18, 2011

**Date of Complaint:** January 9, 2012<sup>2</sup>

**Complaint Disposition:** The Complainant submitted a non-form written request that did not reference OPRA. However, the Complainant submitted a Freedom of Information Act (“FOIA”) request to The Port Authority of New York and New Jersey. The GRC’s authority is limited to adjudicating denial of access complaints based on valid OPRA requests.<sup>3</sup> Furthermore, the GRC does not have authority over FOIA requests.

**Applicable OPRA Provision:** “A person who is denied access to a government record by the custodian of the record, at the option of the requestor, may ... in lieu of filing an action in Superior Court, file a complaint with the Government Records Council established pursuant to [OPRA].” N.J.S.A. 47:1A-6.

“The Government Records Council shall ... receive, hear, review and adjudicate a complaint filed by any person concerning a denial of access to a government record by a records custodian ...” N.J. S.A. 47:1A-7.b.

**This is the final administrative determination in this matter. Any further review should be pursued in the Appellate Division of the Superior Court of New Jersey within forty-five (45) days. Information about the appeals process can be obtained from the Appellate Division Clerk’s Office, Hughes Justice Complex, 25 W. Market St. PO Box 006, Trenton, NJ 08625-0006.**

**Effective Date of Disposition:** January 31, 2012

<sup>1</sup> Daniel Duffy is the Freedom of Information Act Administrator for the Port Authority of New York and New Jersey.

<sup>2</sup> The GRC received the Denial of Access Complaint on said date.

<sup>3</sup> In Renna v. County of Union, 407 N.J. Super. 230 (App. Div. 2009), the Appellate Division held that although requestors shall continue to use public agencies’ OPRA request forms when making requests, no custodian shall withhold such records if the written request for such records, not presented on the official form, contains the requisite information prescribed in the section of OPRA requiring custodians to adopt a form. *Id.* Therefore, requestors may submit correspondence that requests records from a custodian under OPRA, as long as the request properly invokes OPRA.



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Executive Director

Date: January 24, 2012

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