



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

James A. McCall
Complainant

GRC Complaint No. 2016-125

v.

East Orange Police Department (Essex)
Custodial Agency

Custodian of Record: Cynthia Brown¹
Request Received by Custodian: N/A
GRC Complaint Received: April 22, 2016

Complaint Disposition: The Complainant submitted a non-form written request that did not reference OPRA. Actually, the Complainant submitted a Freedom of Information Act (“FOIA”) request to the East Orange Police Department. The GRC’s authority is limited to adjudicating denial of access complaints based on valid OPRA requests.² Furthermore, the GRC does not have authority over FOIA requests. *See also* Baeslack v. The Port Auth. of NY & NJ, GRC Complaint No. 2012-1 (January 2012).

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).

Effective Date of Disposition: September 26, 2017

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¹ The Complainant named Chief William Robinson as the custodian of record in his Denial of Access Complaint.

² In Renna v. Cnty. 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.