



**NEW JERSEY GOVERNMENT RECORDS COUNCIL**  
**Administrative Complaint Disposition – No Correspondence Received By the Custodian**

**Robert Kovacs**  
**Complainant**

**GRC Complaint No. 2016-22**

v.

**New Jersey State Police**  
**Custodial Agency**

**Custodian of Record:** Thomas Preston  
**Request Received by Custodian:** N/A  
**GRC Complaint Received:** January 22, 2016

**Complaint Disposition:** The Complainant submitted a non-form written request that did not reference OPRA. The Custodian certified that he did not receive the request and that the New Jersey State Police Criminal Justice Records Bureau treated it as a non-OPRA request for records. The GRC’s authority is limited to adjudicating denial of access complaints based on valid OPRA requests.<sup>1</sup>

**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:** May 24, 2016

Prepared By: Samuel A. Rosado  
Staff Attorney

Date: May 17, 2016

**Distribution Date: May 25, 2016**

<sup>1</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.