



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

Brian Keith Bragg
Complainant

GRC Complaint No. 2017-120

v.

Turning Point, Inc.
Custodial Agency

Custodian of Record: N/A
Request Received by Custodian: N/A
GRC Complaint Received: May 18, 2017

Complaint Disposition: On May 1, 2017, the Complainant submitted a form of unknown origin titled “Consent for Release of Information” to Turning Point, Inc., seeking a record of successful discharge. The form did not reference OPRA, and the Complainant did not receive a response to the request. The GRC’s authority is limited to adjudicating denial of access complaints based on valid OPRA requests.¹ See Bragg v. Mercer Cnty. Corr. Ctr., GRC Complaint No. 2015-396 (May 2016).

Applicable OPRA Provisions: “A request for access to a government record shall be in writing and hand-delivered, mailed, transmitted electronically, or otherwise conveyed to the appropriate custodian.” N.J.S.A. 47:1A-5(g). “The council shall make a determination as to whether the complaint is within its jurisdiction or frivolous or without any reasonable factual basis.” N.J.S.A. 47:1A-7(e).

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: June 27, 2017

Prepared By: John E. Stewart

Date: June 20, 2017

Distribution Date: June 28, 2017

¹ 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.