



NEW JERSEY GOVERNMENT RECORDS COUNCIL

**Administrative Complaint Disposition – Request Not within Council’s Jurisdiction to Adjudicate
(Request Made to a Federal Agency)**

**Harry Dunleavy,
Complainant**

GRC Complaint No. 2018-19

v.

**Equal Employment Opportunity Commission,
Custodial Agency**

Custodian of Record: N/A

Request Received by Custodian: June 30, 2014

GRC Complaint Received: February 8, 2018

Complaint Disposition: The Complainant submitted an OPRA request to an agency that is not a public agency as defined under OPRA. The Equal Employment Opportunity Commission is a federal agency of the United States, not a New Jersey state agency. See Samgalski v. PSE&G, GRC Complaint No. 2010-251 (December 2010).

Applicable OPRA Provision: N.J.S.A. 47:1A-1.1 states that:

‘Public agency’ or ‘agency’ means any of the principal departments in the Executive Branch of State Government, and any division, board, bureau, office, commission or other instrumentality within or created by such department; the Legislature of the State and any office, board, bureau or commission within or created by the Legislative Branch; and any independent State authority, commission, instrumentality or agency. The terms also mean any political subdivision of the State or combination of political subdivisions, and any division, board, bureau, office, commission or other instrumentality within or created by a political subdivision of the State or combination of political subdivisions, and any independent authority, commission, instrumentality or agency created by a political subdivision or combination of political subdivisions.

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: March 27, 2018

Prepared By: Samuel A. Rosado
Staff Attorney

Date: March 20, 2018

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