



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

Yusuf Abdullah Muhammad
Complainant

GRC Complaint No. 2018-305

v.

New Jersey Department of Corrections
Custodial Agency

Custodian of Record: John Falvey
Request Received by Custodian: N/A
GRC Complaint Received: December 10, 2018

Complaint Disposition: The Complainant submitted two (2) written requests that did not reference OPRA. Specifically, the Complainant identified the requests at issue as two (2) “Patient Request for Copies of Medical/Dental Records” forms. Neither form invoked OPRA, nor did the Complainant provide copies of either a completed official OPRA request form or some written equivalent.¹ OPRA is invoked only when a requestor submits a valid OPRA request for “government records.” Thus, the requests as written are invalid under OPRA, and this complaint shall be dismissed. See also Bragg v. Mercer Cnty. Corr. Ctr., GRC Complaint No. 2015-396 (May 2016).

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 [Council] established pursuant to [OPRA].” N.J.S.A. 47:1A-6.

“The [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: December 18, 2018

¹ 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 for making requests, no custodian shall withhold such records if the written request is not presented on the official form. The written request shall include the requisite information prescribed in N.J.S.A. 47:1A-5(f). Id. Therefore, requestors may submit a request not on an official form as long as it sufficiently invokes OPRA.]



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