



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

Rachel Rodriguez
Complainant

GRC Complaint No. 2019-225

v.

Bridgewater Department of Education (Somerset)
Custodial Agency

Custodian of Record: Peter Starrs
Request Received by Custodian: N/A
GRC Complaint Received: October 22, 2019

Complaint Disposition: The Complainant submitted written requests on August 6, 2019 and September 29, 2019 that referenced the Family Education Rights and Privacy Act (“FERPA”) and the Freedom of Information Act, but not OPRA. The Custodian responded on September 19, 2019 and October 2, 2019, providing the requested records. However, the Custodian certified in the Statement of Information that he treated the requests as being submitted under FERPA and responded in accordance with that law. OPRA is invoked only when a requestor submits a valid OPRA request for “government records.” Thus, the request as written is invalid under OPRA, and this complaint shall be dismissed.¹

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).

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: April 28, 2020

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.



Prepared By: Samuel A. Rosado
Staff Attorney

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