



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

Michael Rinderle
Complainant

GRC Complaint No. 2019-59

v.

New Jersey Department of Corrections
Custodial Agency

Custodian of Record: John Falvey
Request Received by Custodian: N/A
GRC Complaint Received: March 15, 2019

Complaint Disposition: The Complainant submitted a written request that did not reference OPRA. Instead, the Complainant submitted a letter referencing the Freedom of Information Act (“FOIA”). Additionally, OPRA is invoked only when a requestor submits a valid OPRA request for “government records.” The request in question here, which was not sent to the Custodian, provided no reasonable indications that same was being submitted in accordance with OPRA. Thus, the request as written is invalid under OPRA,¹ and this complaint shall be dismissed. See also Baeslack v. The Port Auth. of N.Y. and N.J., GRC Complaint No. 2012-01 (January 2012).

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 30, 2019

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: Frank F. Caruso
Acting Executive Director

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