



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

Yusuf Abdullah Muhammad
Complainant

GRC Complaint No. 2020-28

v.

Mercer County Correctional Center
Custodial Agency

Custodian of Record: Paul R. Adezio, Esq.
Request Received by Custodian: December 26, 2019
GRC Complaint Received: February 3, 2020

Complaint Disposition: The Complainant submitted a written letter request seeking mental health and medical records that did not reference OPRA. The Custodian responded advising the Complainant that he was required to complete a “HIPAA-compliant release form.”¹ 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.²

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: March 30, 2021

¹ The GRC notes that the Custodian disclosed approximately 1,000 pages of records to the Complainant on January 14, 2020 after receiving the executed authorization form.

² 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
Executive Director

Date: March 23, 2021

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