



NEW JERSEY GOVERNMENT RECORDS COUNCIL

Administrative Complaint Disposition – No Records Responsive to the Request Exist

Yehuda Miller
Complainant

GRC Complaint No. 2022-241

v.

Borough of Watchung (Somerset)
Custodial Agency

Custodian of Record: Edith G. Gil
Request Received by Custodian: May 23, 2022
GRC Complaint Received: June 2, 2022

Complaint Disposition: The Custodian certified that she responded to the Complainant in writing within the statutorily mandated response time indicating that no records responsive to the OPRA request exist.¹ Additionally, the Complainant failed to provide any evidence to contradict the Custodian’s certification. Thus, this complaint shall be dismissed because the evidence of record reflects that no responsive records exist.

Applicable OPRA Provision: “‘Government record’ or ‘record’ means any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed document, information stored or maintained electronically or by sound-recording or in a similar device, or any copy thereof, that has been made, maintained or kept on file in the course of his or its official business . . .” N.J.S.A. 47:1A-1.1.

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 28, 2023

Prepared By: Frank F. Caruso
Executive Director

Date: March 21, 2023

Distribution Date: March 30, 2023

¹ The Custodian stated that no records existed because cameras were not in place for all but the 2021 general election. The Custodian further certified to this fact in the Statement of Information, and also certified that the 2021 general election camera footage (covering from October 3, 2021 through November 3, 2021), while arguing that it was exempt under OPRA’s security and surveillance exemption, did not exist because it was destroyed thirty (30) days after recording and well prior to the submission of the subject OPRA request.