



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO BOX 819
TRENTON, NJ 08625-0819

MIKIE SHERRILL
Governor

DR. DALE G. CALDWELL
Lieutenant Governor

JACQUELYN A. SUÁREZ
Commissioner

FINAL DECISION

May 28, 2026 Government Records Council Meeting

Thomas Dudley, Jr.
Complainant

Complaint No. 2024-46

v.

NJ Department of Corrections
Custodian of Record

At the May 28, 2026 public meeting, the Government Records Council (“Council”) considered the May 21, 2026, Findings and Recommendations of the Executive Director and all related documentation submitted by the parties. The Council voted unanimously to adopt the entirety of said findings and recommendations. The Council, therefore, finds that the Custodian lawfully denied access to the Complainant’s OPRA request seeking a logbook entry because it is exempt from disclosure pursuant to N.J.S.A. 47:1A-9(a) and N.J.A.C. 10A:22-2.3(a)(13). N.J.S.A. 47:1A-6; see also Hammond v. N.J. Dep’t of Corr., GRC Complaint No. 2017-32 (April 2019); Azzollini v. N.J. Dep’t of Corr., GRC Complaint No. 2018-26 (November 2019).

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. Proper service of submissions pursuant to any appeal is to be made to the Council in care of the Executive Director at the State of New Jersey Government Records Council, 101 South Broad Street, PO Box 819, Trenton, NJ 08625-0819.

Final Decision Rendered by the
Government Records Council
On The 28th Day of May 2026

John A. Alexy, Chair
Government Records Council

I attest the foregoing is a true and accurate record of the Government Records Council.

Steven Ritardi, Esq., Secretary
Government Records Council

Decision Distribution Date: June 1, 2026



**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director
May 28, 2026, Council Meeting**

**Thomas Dudley, Jr.¹
Complainant**

GRC Complaint No. 2024-46

v.

**New Jersey Department of Corrections²
Custodial Agency**

Records Relevant to Complaint: Hardcopy via U.S. mail of a “page from the legal mail pickup office/logbook on the date 12-27-23 showing that the [Complainant] received legal mail with his inmate number and signature”.

Custodian of Record: John Falvey
Request Received by Custodian: January 11, 2024
Response Made by Custodian: January 11, 2024
GRC Complaint Received: February 15, 2024

Background³

Request and Response:

On January 6, 2024, the Complainant submitted an Open Public Records Act (“OPRA”) request to the Custodian seeking the above-mentioned records. On January 11, 2024, the Custodian responded in writing denying the request under N.J.A.C. 10A:22-2.3(a)(13).

Denial of Access Complaint:

On February 15, 2024, the Complainant filed a Denial of Access Complaint with the Government Records Council (“GRC”) disputing the Custodian’s denial of his request. The Complainant failed to provide any argument or support for why he believed he was unlawfully denied access to the record sought.

¹ No legal representation listed on record.

² Represented by Deputy Attorney General Expedito Sean B. Miralles. Previously represented by Deputy Attorney General Dana Paolillo.

³ The parties may have submitted additional correspondence or made additional statements/assertions in the submissions identified herein. However, the Council includes in the Findings and Recommendations of the Executive Director the submissions necessary and relevant for the adjudication of this complaint.

Statement of Information:

On March 21, 2024, the Custodian filed a Statement of Information (“SOI”). The Custodian certified that he received the Complainant’s OPRA request on January 11, 2024. The Custodian certified that, on January 11, 2024, he responded in writing denying the request because logbooks are confidential pursuant to New Jersey Department of Corrections (“NJDOC”) regulation N.J.A.C. 10A:22-2.3(a)(13).

The Custodian contended that his denial of access was lawful under OPRA, arguing that NJDOC’s regulations at N.J.A.C. 10A:22-2.3(a)(13) clearly exempt access to logbooks. The Custodian further argued that the denial here was consistent with those in both Hammond v. N.J. Dep’t of Corr., GRC Complaint No. 2017-32 (April 2019) and Azzollini v. N.J. Dep’t of Corr., GRC Complaint No. 2018-26 (November 2019).

Analysis

Unlawful Denial of Access

OPRA provides that government records made, maintained, kept on file, or received by a public agency in the course of its official business are subject to public access unless otherwise exempt. N.J.S.A. 47:1A-1.1. A custodian must release all records responsive to an OPRA request “with certain exceptions.” N.J.S.A. 47:1A-1. Additionally, OPRA places the burden on a custodian to prove that a denial of access to records is lawful pursuant to N.J.S.A. 47:1A-6.

OPRA provides that:

[OPRA] shall not abrogate any exemption of a public record or government record from public access heretofore made pursuant to . . . any other statute; resolution of either or both Houses of the Legislature; *regulation promulgated under the authority of any statute* or Executive Order of the Governor; Rules of Court; any federal law; federal regulation; or federal order.

[N.J.S.A. 47:1A-9(a) (emphasis added).]

In addition to records designated as confidential pursuant to the provisions of N.J.S.A. 47:1A-1, *et seq.*, NJDOC regulations exempt access to “[l]ogbooks.” N.J.A.C. 10A:22-2.3(a)(13).⁴

Here, the Complainant’s OPRA request sought a copy of a logbook page that showed that he received legal mail with his inmate number and signature on December 27, 2023. The Custodian

⁴ The Council has also generally held that the fact that requested records pertained or referred to the complainant did not affect whether they were subject to access under OPRA. See Wassenaar v. N.J. Dep’t of Corr., GRC Complaint Nos. 2012-187 & 2012-192 (June 2013); Lobosco v. N.J. Dep’t of Health & Human Serv., Div. of Certificate of Need & Healthcare Facility Licensure, GRC Complaint No. 2010-64 (October 2010). See also Spillane v. N.J. State Parole Bd., 2017 N.J. Super. Unpub. LEXIS 2392 (App. Div. 2017) (dismissing appellant’s assertion that he was entitled to the requested report because it was about him)

denied the request pursuant to N.J.A.C. 10A:22-2.3(a)(13). This complaint ensued, to which in the responsive SOI the Custodian maintained his position that the requested logbook entry is exempt under NJDOC regulations pursuant to N.J.A.C. 10A:22-2.3(a)(13).

A review of the evidence demonstrates that Complainant's OPRA request clearly seeks disclosure of a logbook entry pertaining to the Complainant's receipt of legal mail. Such information is expressly exempt from disclosure under OPRA pursuant to N.J.A.C. 10A:22-2.3(a)(13) and prevailing case law. See Hammon, GRC 2017-32; Azzolini, GRC 2018-26. Thus, the cited exemption applies and a lawful denial of access occurred here.

Accordingly, the Custodian lawfully denied access to the Complainant's OPRA request seeking a logbook entry because it is exempt from disclosure pursuant to N.J.S.A. 47:1A-9(a) and N.J.A.C. 10A:22-2.3(a)(13). N.J.S.A. 47:1A-6; see also Hammond, GRC 2017-32; Azzolini, GRC 2018-26.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that the Custodian lawfully denied access to the Complainant's OPRA request seeking a logbook entry because it is exempt from disclosure pursuant to N.J.S.A. 47:1A-9(a) and N.J.A.C. 10A:22-2.3(a)(13). N.J.S.A. 47:1A-6; see also Hammond v. N.J. Dep't of Corr., GRC Complaint No. 2017-32 (April 2019); Azzolini v. N.J. Dep't of Corr., GRC Complaint No. 2018-26 (November 2019).

Prepared By: Brenda B. Alves
Staff Attorney

May 21, 2026⁵

⁵ This complaint was originally scheduled for adjudication at the Council's March 31, 2026, meeting; however, it could not be adjudicated due to lack of quorum.