



State of New Jersey

DEPARTMENT OF COMMUNITY AFFAIRS

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MIKIE SHERRILL

Governor

DR. DALE G. CALDWELL

Lieutenant Governor

JACQUELYN A. SUÁREZ

Commissioner

FINAL DECISION

July 28, 2026 Government Records Council Meeting

Diana Cassidy

Complainant

v.

City of Hackensack (Bergen)

Custodian of Record

Complaint No. 2026-46

At the July 28, 2026, public meeting, the Government Records Council (“Council”) considered the July 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 bore her burden of proof that she lawfully denied access to the Complainant’s OPRA request seeking disciplinary records for civilian employees and sworn police officers because such records are exempt from disclosure under OPRA. N.J.S.A. 47:1A-6; N.J.S.A. 47:1A-10; Rodriguez v. Kean Univ., GRC Complaint No. 2013-296 (June 2014). See Merino v. Borough of Ho-Ho-Kus, GRC Complaint No. 2003-110 (Interim Order dated March 11, 2004).

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 July 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: July 30, 2026



**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

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

**Diana Cassidy¹
Complainant**

GRC Complaint No. 2026-46

v.

**City of Hackensack (Bergen)²
Custodial Agency**

Records Relevant to Complaint: Electronic copies of:

1. Final disciplinary actions imposed by Hackensack Police Department (“HPD”) and the City of Hackensack (“City”), for the period of January 1, 2018 to the present for all sworn police officers, identifying officer name, rank, title, date discipline became final, type of discipline imposed, length of any suspension, and whether the suspension was paid or unpaid.
2. Final disciplinary actions imposed by HPD and the City, against all civilian (non-sworn) employees for the period of January 1 2018 to the present identifying the employee name, job title, date discipline became final, type of discipline imposed, length of any suspension, and whether the suspension was paid or unpaid.

Custodian of Record: Timothy Hoffman

Request Received by Custodian: January 9, 2026

Response Made by Custodian: January 20, 2026

GRC Complaint Received: February 5, 2026

Background³

Request and Response:

On January 9, 2026, the Complainant submitted two (2) Open Public Records Act (“OPRA”) requests to the Custodian seeking the above-mentioned records. On January 20, 2026, the Custodian responded in writing denying both OPRA requests under the exemption for personnel records, including disciplinary records, pursuant to N.J.S.A. 47:1A-10.

¹ No legal representation listed on record.

² Represented by Andrea Suarez, Esq., of Antonelli, Kantor, Rivera P.C. (Livingston, NJ).

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.

Denial of Access Complaint:

On, February 5, 2026, the Complainant filed a Denial of Access Complaint with the Government Records Council (“GRC”) contesting the denial of her request. The Complainant asserted that her request was narrowly tailored to final disciplinary outcomes and excluded internal affairs investigations and pre-decisional materials.

Statement of Information:

On March 6, 2026, the Custodian filed a Statement of Information (“SOI”). The Custodian provided a certification from Deputy City Clerk Allison Saabye. Ms. Saabye certified that she received the Complainant’s OPRA requests on January 9, 2026. Ms. Saabye certified that she responded in writing on January 20, 2026, denying both OPRA requests because they sought information that is saved under an employee’s and/or police officer’s personnel record. Ms. Saabye certified that this information is strictly exempt from disclosure pursuant to N.J.S.A. 47:1A-10. Ms. Saabye also noted that the City did not maintain a searchable database for the information; thus, a manual file-by-file review would be necessary.

The Custodian argued that case law supporting the City’s denial of access includes Libertarians for Transparent Gov’t v. Cumberland Cnty., 465 N.J. Super. 11, 19 (App. Div. 2020); Rodriguez v. Kean Univ., GRC Complaint No. 2013-296 (June 2014) and Sheppard v. N.J. Division of Law, GRC Complaint No. 2017-181 (December 2021).

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 “[n]otwithstanding the provisions [OPRA] or any other law to the contrary, *the personnel or pension records of any individual in the possession of a public agency . . . shall not be considered a government record . . .*” N.J.S.A. 47:1A-10[Emphasis added]. OPRA begins with a presumption against disclosure and “proceeds with a few narrow exceptions that . . . need to be considered.” Kovalcik v. Somerset Cnty. Prosecutor's Office, 206 N.J. 581, 594 (2011). In Merino v. Borough of Ho-Ho-Kus, GRC Complaint No. 2003-110 (Interim Order dated March 11, 2004), the Council held that:

The Complainant’s request to review the records of complaints filed against Officer Tuttle were properly denied by the Custodian. N.J.S.A. 47:1A-10 provides in pertinent [part] that “the personnel or pension records of any individual in the possession of a public agency, including but not limited to records relating to any grievance filed by or against an individual, shall not be considered a public record

and shall not be made available for public access” [emphasis omitted]. *As a result, records of complaints filed against Officer Tuttle and/or reprimands he has received are not subject to public access.*

[Id. (emphasis added).]

Further, the Council addressed whether personnel records, which are not specifically identified in OPRA, are subject to disclosure. In Rodriguez v. Kean Univ., GRC Complaint No. 2013-296 (June 2014), the complainant sought an employee’s reimbursement to Kean University of what was believed to be a 2011 ethics violation. The complainant argued that disciplinary actions are not part of an employee’s personnel record because they do not pertain to employee relations, any human resources issues, or to the employee’s employment. In turn, the custodian argued that acknowledging an employee’s discipline would contravene OPRA’s presumption that personnel records, with certain exceptions, are exempt from disclosure. The Council reasoned that, “[b]ased on the Complainant’s description in his OPRA request, the records sought appear to relate to a possible disciplinary action. Thus, if [the employee] was disciplined for an ethics violation, it is reasonable that the documented discipline action would ‘. . . bear many of the indicia of personnel files.’” Id. (citing North Jersey Media Grp. v. Bergen Cnty. Prosecutor’s Office, 405 N.J. Super. 386, 390 (App. Div. 2009)). The Council therefore held that “disciplinary actions are not specifically identified as personnel information subject to disclosure under OPRA.” Rodriguez, GRC No. 2013-296.

Here, the Complainant’s OPRA request sought disciplinary actions for both civilian employees and police officers for the City. Ms. Saabye responded in writing denying access pursuant to N.J.S.A. 47:1A-10. The Complainant subsequently filed this complaint contesting the denial. In the SOI, the Custodian maintained that the disciplinary records sought are exempt from disclosure as personnel records and cited to Rodriguez, GRC 2013-296 among other cases.

Upon review of all facts and available caselaw, the GRC finds that a lawful denial of access occurred. A custodian can lawfully deny access to OPRA requests seeking disciplinary actions, complaints, and investigation records pursuant to N.J.S.A. 47:1A-10. For these reasons, the GRC is satisfied that the Custodian lawfully denied access to the Complainant’s request.

Therefore, the Custodian bore her burden of proof that she lawfully denied access to the Complainant’s OPRA request seeking disciplinary records for civilian employees and sworn police officers because such records are exempt from disclosure under OPRA. N.J.S.A. 47:1A-6; N.J.S.A. 47:1A-10; Rodriguez, GRC 2013-296. See Merino, GRC 2003-110.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that the Custodian bore her burden of proof that she lawfully denied access to the Complainant’s OPRA request seeking disciplinary records for civilian employees and sworn police officers because such records are exempt from disclosure under OPRA. N.J.S.A. 47:1A-6; N.J.S.A. 47:1A-10; Rodriguez v. Kean Univ., GRC Complaint No. 2013-296 (June 2014). See Merino v. Borough of Ho-Ho-Kus, GRC Complaint No. 2003-110 (Interim Order dated March 11, 2004).

Prepared By: Brenda B. Alves
Staff Attorney

July 21, 2026