

GOVERNMENT RECORDS COUNCIL

Administrative Case Disposition – No Record Responsive to the Request

GRC Complaint No: 2006-209

Complainant: James J. Krivacska

Custodian: New Jersey Department of Corrections, Michelle Hammel

Date of Request: May 8, 2006

Date of Complaint: November 11, 2006

Case Disposition: On May 8, 2006, the New Jersey Department of Corrections received the Complainant's OPRA request for the annual report of the five (5) year recidivism data for ADTC releases as per NJSA 2C:47-9 for each year from 1997-2006.

On May 15, 2007, the Custodian denied the Complainant's request in writing stating that no records responsive to the request exist. The Custodian also certified again on January 8, 2007 that no records responsive to this request exist.

Type of Administrative Disposition: No records responsive to the request.

Applicable OPRA Provision: N.J.S.A. 47:1A-1.1. states that a “[g]overnment 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 ... or that has been or received in the course of his or its official business by any such officer, commission, agency, or authority of the State or of any political subdivision thereof, including subordinate boards thereof...*” (Emphasis added.)

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: January 31, 2007

Prepared By:

Rebecca Steese

Approved By:

Catherine Starghill, Esq.
Executive Director

Date: January 24, 2007

Distribution Date: February 1, 2007