



The Advocacy Institute Is Pleased to Announce

PROGRAM ANNOUNCEMENT

A DELICATE BALANCE: OPRA AND PRIVACY INTERESTS

August 31, 2016

10:00 a.m. – 12:00 p.m.

Richard J. Hughes Justice Complex

6th Floor Point Meeting Area – Attorney General's Library

25 Market Street

Trenton, New Jersey

PLEASE READ: NOTICE REGARDING COURSE MATERIALS

All materials for New Jersey Attorney General's Advocacy Institute continuing legal education courses are now available electronically through the Advocacy Institute website: www.njadvocacyinstitute.com. Materials will be posted to the website approximately one week before the course date.

The institute will no longer provide paper copies of course materials. This policy is effective immediately and is within the guidelines of the New Jersey Board of Continuing Legal Education and the Pennsylvania Continuing Legal Education Board. Please follow the procedure below to obtain course materials:

- Click on the Course Information tab.
- Select Course Materials from the drop-down menu.
- Click on the course that you are registered for. Courses are listed alphabetically by title.
- Most courses will have two files; a file containing class materials that you should bring to the session and a file with reference materials such as statutes, regulations and cases.
- Print the documents in the class materials file and bring them with you to the session.
- You have the option of printing the documents in the reference materials file or downloading them to a computer or mobile device.

Program Summary

The Open Public Records Act (OPRA) has two often conflicting requirements: public bodies must provide ready access to government records, and they also must protect from disclosure any information in government records that would violate a citizen's reasonable expectation of privacy. OPRA requests that implicate privacy interests raise many difficult issues, in view of these competing legislative goals. This presentation will provide an overview of OPRA's privacy requirements. Topics to be discussed include: the balancing test established by the New Jersey Supreme Court for OPRA privacy matters; the application of this test to various types of government records by the courts and the GRC; the procedures that record custodians should follow when handling an OPRA request that presents a privacy issue; OPRA privacy questions

currently pending before the Supreme Court; and other significant unsettled OPRA privacy issues, such as those raised by videos from police body and vehicle cameras.

Who Should Attend?

This presentation is open to all government attorneys, space allowing.

Who Is the Faculty?

Lewis Scheindlin worked for over 30 years at the Division of Law, serving in a number of capacities, including Chief of the Education, Labor and Commerce Section, Assistant Attorney General for Agency Advice and Assistant Attorney General for Appeals. In addition, beginning with the enactment of OPRA in 2001 until his retirement from State service at the end of 2014, he oversaw all OPRA legal advice and litigation for all State agencies. He counseled record custodians and other officials in OPRA matters on a daily basis and worked with the Government Records Council in establishing its policies and procedures. In addition to supervising the State's OPRA litigation, he directly handled many significant OPRA cases in the Supreme Court, Appellate Division and trial courts. Lew also frequently presented training programs on OPRA matters for the Attorney General's Advocacy Institute.

Lew currently provides OPRA consulting and training to public bodies. He is also an Adjunct Professor of Business Law at The College of New Jersey. Lew is a graduate of Rutgers Law School and the Wharton School of the University of Pennsylvania.

CLE Credit

NJ CLE Credit: This program had been approved by the Board on Continuing Legal Education of the Supreme Court of New Jersey for 2.0 hours of total CLE credit. Of these, 0.0 qualify as hours of credit for ethics/professionalism.

NY CLE Credit: 2.0 substantive credits (pursuant to the approved jurisdiction policy).

PA CLE Credit: 1.5 substantive credits (\$3.00 mandatory registration fee required).

How Do I Register?

State Employees

Most State employees are able to register for this course by going to <http://reg2.dcj.lps.state.nj.us/lpcreg/login.aspx?portalid=2> and creating an AGAI Course Registration account. To do so, your computer **must** be attached to the government's Garden State Network. Upon opening the AGAI Course Registration System home page, you will see the Create Account link in the Login Box. Click on it and create your account, which will include you selecting a user name and password. Once you create your account, you can access the AGAI Course Registration System at <http://reg2.dcj.lps.state.nj.us/lpcreg/login.aspx?portalid=2> to register for future courses or to manage your account. Please retain your user name and password for your records.

Non-State Employees or State Employees not Connected to the Garden State Network

If you are not a State employee, or are otherwise unable to access the AGAI Course Registration System through the Garden State Network, kindly email the Advocacy Institute at: AdvocacyInstitute@lps.state.nj.us for an authorization code to allow you access to the AGAI Course Registration System through the My New Jersey portal. **Setting up your account through the portal is a two-step process, the details of which are set forth in the next two paragraphs.**

Once you receive the portal authorization code you will be prompted to go to the My New Jersey portal at <http://www.state.nj.us/> and create a portal account. Once your portal account is created you are prompted to enter your authorization code. This is Step 1 of the process, which you need only do once.

If you have already been issued an authorization code in the past you do not need to request another one. You can log into your account on the Garden State Network at <http://www.state.nj.us> and under the heading NJ L&PS Applications you will see the Attorney General's Advocacy Institute's Registration System. Click on that and log into your account on our system.

Upon setting up your portal account, you need to set up your AGAI Course Registration System account. This is Step 2. To do so, log on to the My New Jersey Portal <http://www.state.nj.us/>. Upon opening the AGAI Course Registration System home page, you will see the Create Account link in the Login Box. Click on it and create your account, which will include you selecting a new user name and password. Once you create your account, you can access the AGAI Course Registration System at <http://reg2.dcj.lps.state.nj.us/lpcreg/login.aspx?portalid=2> to register for future courses or to manage your account. Please retain your user name and password for your records.