



HOUSING AUTHORITY OF GLOUCESTER COUNTY

OPEN PUBLIC RECORDS ACT POLICY

Adopted August 22, 2018
Rev. September 26, 2024; RES#24-93



The Housing Authority of Gloucester County

Open Public Records Act Policy
Adopted: 8/2018

In accordance with the Open Public Records Act (OPRA), N.J.S.A. 47:1A-1.1 *et. seq.* effective July 8, 2002, The Housing Authority of Gloucester County (HAGC) hereby adopts this Open Public Records Act Policy. The intent of the Policy is to ensure members of the general public are granted access to all records maintained by HAGC unless specifically exempt by OPRA, other state or federal law, regulations or Order. Such access shall be through the custodian of department records. This Policy shall establish procedures for the receipt and processing the requests for access to HAGC records. This Policy is not applicable to any general rules of discovery under New Jersey Rules of Court, Rule 7:7, Pretrial Procedures.

Definitions

HAGC shall adopt the definitions contained within N.J.S.A. 47:1A-1.1, Definitions, implementing this Policy.

Custodian of Records

The Administrative Assistant of HAGC shall serve as the custodian of all records maintained by HAGC. The Administrative Assistant shall be assisted by the Administrative Aide and by all staff of HAGC in fulfilling the obligations under this law.

The custodian of records shall have the following responsibilities:

- (1) The custodian shall ensure that the procedures in place so that requests for HAGC records are received, reviewed and filled, if appropriate as required by the law.
- (2) The custodian shall review all requests for access to HAGC records to ensure that requests are appropriate acted upon within the time prescribed by the law.

Public Request for Records

- 1. Records Request Form:** All requests for access to records shall be in written format on the Records Request Form (Attachment A) provided by HAGC. The Request Form must be completed, signed, dated and delivered, via hand delivery, mail, or electronic transmission, to the Administrative Assistant.
- 2. Times During Which Records May Be Requested:** Any person making a request for HAGC records must do so during regular business hours between 8:00 a.m. and 5:00 p.m. Monday through Friday.
- 3. Redaction of Exempt Information:** HAGC shall be governed by N.J.S.A. 47:1A-1.1 in accessing whether a record is exempt and thereby confidential. Prior to allowing the access to the HAGC records, the records custodian must redact from the records any information which discloses exempt information (social security number; credit card numbers; unlisted telephone numbers; driver's license number, some personnel and pension information, information related to an ongoing criminal investigation, trade secrets, computer security etc.) HAGC shall advise the requester that the information has been redacted

and shall use a visually obvious method that shows the requestor the specific location or any redacted material in the record. HAGC shall maintain a record in its form prior to the redaction.

4. Delivery of Records: OPRA requires that immediate access be provided to certain information including documents such as budgets, bills, vouchers, contracts and public employee's salary and overtime information. Immediate access means at once, without delay. Exceptions may include instances in which the requested documents are in use, in storage, or require medium conversion. HAGC shall act reasonably in using its best efforts to comply with this requirement. All other requests that shall be responded to no later than seven (7) business days after receiving the request, provided that the request is currently available and not in storage or archived. The records custodian may seek an extension from the requestor in writing, within the statutorily mandated seven business days, and provide an anticipated deadline date upon which the records will be provided. The length of the extension must be reasonable.

In the event that the custodian fails to respond to the request within seven (7) business days, or any approved extension, after receiving a request, the failure to respond shall be deemed a denial of the request. While a requester may remain anonymous, communication with the requester must be available. In the event HAGC is unable to communicate with the requester, the custodian cannot make the response to the requester.

Applicable Fees

Except as otherwise provided by law or regulation, the fees assessed for the duplication of a printed records shall be: Letter size \$0.05 per page and legal size \$0.07 per page. Other mediums (CD, DVD, etc.) are at the actual cost of materials. HAGC will provide electronic records (records sent via e-mail and fax) free of charge.

HAGC will charge the cost of the actual postage to deliver the records by mail.

Special service charges for extraordinary requests must be reasonable and based on actual direct costs. All special service charges will be provided to requestor prior to being incurred by HAGC.

There is no fee for inspecting a public record during normal business hours.

Record Medium

Generally the records custodian must permit access to the records and provide copy in the medium requested if HAGC maintains the records in that medium. If HAGC does not maintain that medium, then HAGC shall either convert the records to the medium requested or provide a copy in some other meaningful medium. HAGC shall assess a reasonable special charge if the request is for a record in the medium not routinely used by the agency and requires substantial amount of manipulation or programming.

Denial of Request for Records

If the Records Custodian is unable to comply with the request, then the Custodian must indicate the specific basis for the inability to comply on the Records Request Form and return it to the requesters. The custodian must sign and date the form and provide the requester with a copy.

HAGC is not obligated to compile data from various sources to create a new record. HAGC's records custodian is only obligated to provide records that exist at the time of request.

Where a legal determination must be made as to whether the records are "public records" as provided by the law, the request will be reviewed by HAGC's counsel.

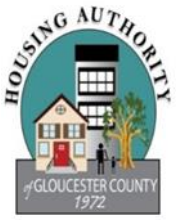
In accordance with N.J.S.A. 47:1A-2.2 HAGC will also restrict access to certain information where it appears that a person who is convicted of any indictable offense under the laws of the State of New Jersey, or any other state in the United States is seeking governmental records containing personal information pertaining to the person's victim or the victim's family, including but not limited to a victim's home address, home telephone number, work or school address, work telephone number, social security account number, medical history or any other identifying information.

Right to Appeal a Denial of Access

HAGC shall post in public view a public statement that sets forth a requester's right to appeal a denial or failure to provide access to a government records. Any person who is denied, in whole or in part, access to any records may appeal the denial through the filing of an action in Gloucester County Superior Court or by filing a complaint with the New Jersey Government Records Counsel.

Attachment "A"

The Housing Authority of Gloucester County Public Record Request Form



Housing Authority of Gloucester County
OPEN PUBLIC RECORDS ACT REQUEST FORM
 100 Pop Moylan Blvd, Deptford, NJ 08096, USA
 (856) 845-4959
nrojas@hagc.org
 Nelly Rojas



Important Notice

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

Requestor Information – Please Print

First Name _____ MI _____ Last Name _____
 E-mail Address _____
 Mailing Address _____
 City _____ State _____ Zip _____
 Telephone _____ FAX _____
 Preferred Delivery: Pick Up _____ US Mail _____ On-Site Inspect _____ Fax _____ E-mail _____

Under penalty of N.J.S.A. 2C:28-3, I certify that

- I **HAVE** / **HAVE NOT** been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States;
- I, or another person, **WILL** / **WILL NOT** use the requested government records for a commercial purpose;
- I **AM** / **AM NOT** seeking records in connection with a legal proceeding.

Signature _____ Date _____

Payment Information

Maximum Authorization Cost \$ _____

Select Payment Method

Cash Check Money Order

Fees: Letter size pages - \$0.05 per page
 Legal size pages - \$0.07 per page
 Other materials (CD, DVD, etc) – actual cost of material

Delivery: Delivery / postage fees additional depending upon delivery type.

Extras: Special service charge dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

Note: If you confirmed above that the records sought are in connection with a legal proceeding, identification of that proceeding is required below.

AGENCY USE ONLY	AGENCY USE ONLY	AGENCY USE ONLY																
<p>Est. Document Cost _____</p> <p>Est. Delivery Cost _____</p> <p>Est. Extras Cost _____</p> <p>Total Est. Cost _____</p> <p>Deposit Amount _____</p> <p>Estimated Balance _____</p> <p>Deposit Date _____</p>	<p style="text-align: center;">Disposition Notes</p> <p style="text-align: center;">Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.</p> <p>In Progress - Open _____</p> <p>Denied - Closed _____</p> <p>Filled - Closed _____</p> <p>Partial - Closed _____</p>	<table style="width: 100%;"> <tr> <th style="text-align: left;">Tracking Information</th> <th style="text-align: left;">Final Cost</th> </tr> <tr> <td>Tracking # _____</td> <td>Total _____</td> </tr> <tr> <td>Rec'd Date _____</td> <td>Deposit _____</td> </tr> <tr> <td>Ready Date _____</td> <td>Balance Due _____</td> </tr> <tr> <td>Total Pages _____</td> <td>Balance Paid _____</td> </tr> <tr> <td colspan="2" style="text-align: center;">Records Provided</td> </tr> <tr> <td style="text-align: center;">_____</td> <td style="text-align: center;">_____</td> </tr> <tr> <td style="text-align: center;">Custodian Signature</td> <td style="text-align: center;">Date</td> </tr> </table>	Tracking Information	Final Cost	Tracking # _____	Total _____	Rec'd Date _____	Deposit _____	Ready Date _____	Balance Due _____	Total Pages _____	Balance Paid _____	Records Provided		_____	_____	Custodian Signature	Date
Tracking Information	Final Cost																	
Tracking # _____	Total _____																	
Rec'd Date _____	Deposit _____																	
Ready Date _____	Balance Due _____																	
Total Pages _____	Balance Paid _____																	
Records Provided																		
_____	_____																	
Custodian Signature	Date																	

DEPOSITS

The custodian may require a deposit against costs for reproducing documents whenever the custodian anticipates that the documents requested will cost in excess of \$5 to reproduce. N.J.S.A. 47:1A-5(f).

Where a special service charge is warranted under OPRA, that amount will be communicated to you as required under the statute. You have the opportunity to review and object to the charge prior to it being incurred. If, however, you approve of the fact and amount of the special service charge, you may be required to pay a deposit or pay in full prior to reproduction of the documents.

YOUR REQUEST FOR RECORDS IS DENIED FOR THE FOLLOWING REASON(S):

(To be completed by the Custodian of Records – check the box of the numbered exemption(s) as they apply to the records requested. If multiple records are requested, be specific as to which exemption(s) apply to each record. **Response is due to requestor as soon as possible, but no later than seven (7) or fourteen (14) business days. See page 5 for additional response details**)

N.J.S.A. 47:1A-1.1

- Inter-agency or intra-agency advisory, consultative or deliberative material
- Legislative records
- Law enforcement records:
 - Medical examiner photos
 - Criminal investigatory records (however, N.J.S.A. 47:1A-3(b) lists specific criminal investigatory information which must be disclosed)
 - Victims' records and/or OPRA requests submitted by victims seeking their own records
- Personal firearms records or personal identifying information connected to any license authorizing hunting with a firearm.
- Trade secrets and proprietary commercial or financial information
- Any record within the attorney-client privilege
- Administrative or technical information regarding computer hardware, tablets, telephones, electronic computing devices, software applications, and networks or devices operation them which, if disclosed would jeopardize computer security
- Emergency or security information or procedures for any buildings or facility which, if disclosed, would jeopardize security of the building or facility or persons therein
- Security measures and surveillance techniques which, if disclosed, would create a risk to the safety or persons, property, electronic data or software
- Security alarm system activity and access reports, including video footage the disclosure of which does not compromise the integrity of the security system
- Information which, if disclosed, would give an advantage to competitors or bidders including detailed or itemized cost estimates prior to bid opening
- Information generated by or on behalf of public employers or public employees in connection with:
 - Any sexual harassment complaint filed with a public employer
 - Any grievance filed by or against an employee
 - Collective negotiations documents and statements of strategy or negotiating
- Information that is a communication between a public agency and its insurance carrier, administrative service organization or risk management office
- Information that is to be kept confidential pursuant to court order
- Certificate of honorable discharge issued by the United States government (commonly Form DD-214 or NGB-22) filed with a public agency
- Oath of allegiance, oath of office, or other affirmation; except that full name, title, and oath date.
- Privacy Information:
 - Social security numbers
 - Credit card or debit card numbers
 - Bank account information
 - Month and day of birth
 - Personal e-mail address required by a public agency for government applications, services, or programs
 - Telephone numbers
 - Drivers' license numbers
 - Primary or secondary addresses for covered persons or immediate family members per N.J.S.A. 47:1B-1 (Daniel's Law)
- Portion of any document disclosing personal information of any person provided to a public agency for sole purpose of receiving official notifications
- Lists (including personal information) of persons identifying as in need of special assistance in the event of an emergency maintained by a municipality or county
- Portion of any record disclosing the personal identifying information of a person under 18 years old
- Personal identifying information contained on domestic animal permits, license, and registrations.
- Metadata
- New Jersey Firemen's Association financial relief applications
- Owner and maintenance manuals
- HIPAA information and indecent or graphic images of a person's intimate parts as defined in N.J.S.A. 47:1A-5.2
- Certain records of higher education institutions:
 - Research records
 - Questions or scores for exam for employment or academics
 - Charitable contribution information
 - Rare book collections gifted for limited access
 - Admission applications

- Student records, grievances or disciplinary proceedings revealing a students' identification
- Biotechnology trade secrets **N.J.S.A. 47:1A-1.2**
- Convicts requesting their victims' records **N.J.S.A. 47:1A-2.2**
- Ongoing investigations of non-law enforcement agencies (must prove disclosure is inimical to the public interest) **N.J.S.A. 47:1A-3(a)**
- Public defender records **N.J.S.A. 47:1A-5(k)**
- Upholds exemptions contained in other State or federal statutes and regulations, Executive Orders, Rules of Court, and privileges created by State Constitution, statute, court rule or judicial case law **N.J.S.A. 47:1A-9**
- Personnel and pension records (however, the following information must be disclosed:
 - An individual's name, title, position, salary, payroll record, length of service, date of separation and the reason for such separation, and the amount and type of any pension received
 - When required to be disclosed by another law, when disclosure is essential to the performance of official duties of a person duly authorized by this State or the US, or when authorized by an individual in interest
 - Data contained in information which disclose conformity with specific experiential, educational or medical qualifications required for government employment or for receipt of a public pension, but not including any detailed medical or psychological information **N.J.S.A. 47:1A-10**

N.J.S.A. 47:1A-1

- "a public agency has a responsibility and an obligation to safeguard from public access a citizen's personal information with which it has been entrusted when disclosure thereof would violate the citizen's reasonable expectation of privacy."

Burnett v. County of Bergen, 198 N.J. 408 (2009). Without ambiguity, the court held that the privacy provision "is neither a preface nor a preamble." Rather, "the very language expressed in the privacy clause reveals its substantive nature; it does not offer reasons why OPRA was adopted, as preambles typically do; instead, it focuses on the law's implementation." "Specifically, it imposes an obligation on public agencies to protect against disclosure of personal information which would run contrary to reasonable privacy interests."

Executive Order No. 21 (McGreevey 2002)

- Records where inspection, examination or copying would substantially interfere with the State's ability to protect and defend the State and its citizens against acts of sabotage or terrorism, or which, if disclosed, would materially increase the risk or consequences of potential acts of sabotage or terrorism.
- Records exempted from disclosure by State agencies' proposed rules.

Executive Order No. 26 (McGreevey 2002)

- Certain records maintained by the Office of the Governor
- Resumes, applications for employment or other information concerning job applicants while a recruitment search is ongoing
- Records of complaints and investigations undertaken pursuant to the Model Procedures for Internal Complaints Alleging Discrimination, Harassment or Hostile Environments
- Information relating to medical, psychiatric or psychological history, diagnosis, treatment or evaluation
- Information in a personal income or other tax return
- Information describing a natural person's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness, except as otherwise required by law to be disclosed
- Test questions, scoring keys and other examination data pertaining to the administration of an examination for public employment or licensing
- Records in the possession of another department (including NJ Office of Information Technology or State Archives) when those records are made confidential by regulation or EO 9.

Other Exemption(s) contained in a State statute, resolution of either or both House of the Legislature, regulation, Executive Order, Rules of Court, any federal law, federal regulation or federal order pursuant to N.J.S.A. 47:1A-9(a).

(Please provide detailed information regarding the exemption from disclosure for which you are relying to deny access to government records. If multiple records are requested, be specific as to which exemption(s) apply to each record.)

REQUEST FOR RECORDS UNDER THE COMMON LAW

If, in addition to requesting records under OPRA, you are also requesting the government records under the common law, please check the box below.

A public record under the common law is one required by law to be kept, or necessary to be kept in the discharge of a duty imposed by law, or directed by law to serve as a memorial and evidence of something written, said, or done, or a written memorial made by a public officer authorized to perform that function, or a writing filed in a public office. The elements essential to constitute a public record are that it be a written memorial, that it be made by a public officer, and that the officer be authorized by law to make it.

Yes, I am also requesting the documents under common law.

If the information requested is a "public record" under common law and the requestor has a legally recognized interest in the subject matter contained in the material, then the material must be disclosed if the individual's right of access outweighs the State's interest in preventing disclosure.

Please set forth your interest in the subject matter contained in the requested material:

Note that any challenge to a denial of a request for records under the common law cannot be made to the Government Records Council, as the Government Records Council only has jurisdiction to adjudicate challenges to denials of OPRA requests. A challenge to the denial of access under the common law can be made by filing an action in Superior Court.

1. All "government records" as defined in N.J.S.A. 47:1A-1.1 are subject to public access under the Open Public Records Act ("OPRA"), unless specifically exempt.
2. A request for access to a government record under OPRA must be in writing, hand-delivered, mailed, transmitted electronically, or otherwise conveyed to the appropriate custodian. N.J.S.A. 47:1A-5(g). In accordance with OPRA, custodians will generally have seven (7) business days to respond, unless:
 - The requestor seeks "immediate access" records as outlined in N.J.S.A. 47:1A-5(e); where the custodian must respond "immediately" disclosing responsive records not to exceed twenty-four (24) months old.
 - The requestor seeks information required to be disclosed by N.J.S.A. 47:1A-3(b), where the custodian must respond disclosing the information within twenty-four (24) hours or as soon as practical;
 - The requestor is seeking records for a "commercial purpose" as defined in N.J.S.A. 47:1A-1.1, where the response time frame is fourteen (14) business days, but the custodian shall notify the requestor of the additional time within seven (7) business days. N.J.S.A. 47:1A-5(i). However, the response time frame can be reduced to seven (7) business days upon payment of no more than two times the cost to produce the responsive records.
 - The requestor is seeking records requiring review for compliance with "Daniel's Law" (N.J.S.A. 47:1B-1, et seq.), where the response time frame is fourteen (14) business days, but the custodian shall notify the requestor of the additional time within seven (7) business days. N.J.S.A. 47:1A-5(i).
 - Fire district employing one or fewer full-time employees serving as custodians may add seven (7) business days to the seven (7) or fourteen (14) business day response time frames.

The applicable response time does not commence until the custodian receives the request form. N.J.S.A. 47:1A-5(h). If you submit the request form to any other officer or employee, the recipient must either forward the request to the appropriate custodian or direct you to the appropriate custodian. Id.

3. Requestors are not required to use this OPRA request form; however, a written equivalent not containing the form requirements of N.J.S.A. 47:1A-5(f) and N.J.S.A. 47:1A-5(g) may be denied by a custodian.
4. Requestors may submit requests anonymously. A request submitted anonymously shall not be considered incomplete. N.J.S.A. 47:1A-5(f). If you elect not to identify yourself accurately or provide an accurate address, e-mail address, or telephone number, the custodian is not required to respond until you reappear before the custodian seeking a response to the original request. Further, anonymous requestors are prohibited from filing a complaint with either the GRC or the Courts. N.J.S.A. 47:1A-6.
5. The fees for duplication of a "government record" in printed form are listed on page 1 of this form. The custodian will notify you of any special service charges or other additional charges authorized by State law or regulation before processing your request. Payment shall be made by cash, check or money order payable to the responding agency.
6. You may be charged a prepayment or deposit when a request for copies exceeds \$5.00. The custodian will contact you and advise you of any deposit requirements. You agree to pay the balance due upon delivery of the records.
7. Under OPRA, a custodian must deny access to a person who has been convicted of an indictable offense in New Jersey, any other state, or the United States, and who is seeking government records containing personal information pertaining to the person's victim or the victim's family. N.J.S.A. 47:1A-2.2. This includes anonymous requests for said information.
8. By law, the responding agency must notify you that it grants or denies a request for access to government records within applicable response time frame after the custodian receives the request. If the record requested is in storage, the custodian will advise you within seven (7) or fourteen (14) business days after receipt of the request when the record can be made available and the estimated cost for reproduction within no more than twenty-one (21) business days from date of notification. N.J.S.A. 47:1A-5(i).
9. You may be denied access to a government record if your request would substantially disrupt agency operations and the custodian is unable to reach a reasonable solution with you. N.J.S.A. 47:1A-5(g).
10. If the custodian is unable to comply with your request for access to a government record, they will indicate the specific bases for denial on the request form or other written correspondence and send it to you.
11. Except as otherwise provided by law or by agreement with the requester, if the custodian fails to respond to you in writing within seven (7) or fourteen (14) business days of receiving a request, the failure to respond is a deemed denial of your request. N.J.S.A. 47:1A-5(g); N.J.S.A. 47:1A-5(i).
12. If your request for access to a government record has been denied or unfilled within the seven (7) or fourteen (14) business days required by law, you have a right to challenge the decision by the responding agency to deny access. At your option, you may either: 1) institute a proceeding in the Superior Court of New Jersey; or 2) file a complaint with the Government Records Council ("GRC") by completing the Denial of Access Complaint Form. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County. Questions regarding the GRC's Denial of Access Complaint process can be directed to the GRC toll-free telephone at 866-850-0511, by mail at PO Box 819, Trenton, NJ, 08625, by e-mail at Government.Records@dca.nj.gov, or at their web site at www.state.nj.us/grc. The Council can answer general inquiries about OPRA.
13. Information provided on this form may be subject to disclosure under the Open Public Records Act.