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**RE: [EXTERNAL] Request Question**

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**Government Records Council [DCA]** <Government.Records@dca.nj.gov>

Fri, Jun 14, 2024 at 3:06 PM

To: [REDACTED]

Good afternoon,

Thank you for contacting the NJ Government Records Council ("GRC"). The information provided by the GRC is guidance and does not constitute legal advice or a final decision of the GRC regarding whether a particular record is exempt from disclosure or not since the provisions of the Open Public Records Act ("OPRA") are applied to the specific facts of the request and/or complaint. Specifically, the GRC adjudicates denial of access complaints filed against state and local government records custodians.

The GRC first notes that OPRA is one means by which an individual can gain access to records in the State of New Jersey (informal, common law or discovery are some other methods). Thus, it is not the only method an individual may use when seeking information from New Jersey public agencies. Further, the requestor is the only individual capable of invoking OPRA either by submitting his/her request on the agency's official OPRA request form or by citing to OPRA in an equivalent writing. If an individual chooses to invoke OPRA in a request, then the statutory provisions will apply. However, some agencies have adopted policies requiring an individual to submit an OPRA request for records. Such a policy is at the agency's prerogative and not statutorily required by OPRA, nor a GRC directive. Based on the foregoing, it is never "necessary" for anyone to file an OPRA request to obtain any type of government record (unless agency policy dictates such).

Generally, OPRA provides that "... government records shall be readily accessible for inspection, copying, or examination ... with certain exceptions ..." N.J.S.A. 47:1A-1. Additionally, OPRA defines a government record as a record "made, maintained or kept on file ... or that has been received in the course of ... official business ..." N.J.S.A. 47:1A-1.1. Also, OPRA requires a custodian to grant access, deny access, request an extension of the statutory response time, or seek clarification of the request as soon as possible but no later than seven (7) business days from receipt of the request. N.J.S.A. 47:1A-5(i). OPRA further requires that custodians prove and inform requestors of the lawful basis for any denial of government records. N.J.S.A. 47:1A-6.

Generally regarding anonymous requests, OPRA permits a requestor to submit an OPRA request anonymously. N.J.S.A. 47:1A-5(i). The procedure for requesting records anonymously under OPRA does not generally depart from the typical way of requesting records under OPRA, with one exception. If a requestor were to request records anonymously and did not provide contact information, "the custodian shall not be required to respond until the requestor reappears before the custodian seeking a response to the original request." Id. In instances where a requestor wishes to remain anonymous, individuals have taken a number of steps to remain anonymous including unique contact identifiers, pseudonyms, and/or generic information. This may also include providing placeholder terms in online forms, provided that an anonymous requestor includes some method of contact for the custodian, such as an e-mail address.

If you make an official OPRA request of a records custodian in New Jersey and you believe you are unlawfully denied access to government records, you may file an action in Superior Court and pay the court filing fee or file a denial of access complaint with our agency (the Government Records Council). Please note that filing in court may result in your complaint being resolved more quickly than filing with the GRC. Additionally, the court can assess your common law right of access whereas the GRC cannot. Should you choose to file a complaint in Superior Court, you must contact the Court Clerk for the county in which you plan to file. Should you choose to file a complaint with the GRC, you must download a Denial of Access Complaint form from our website (<http://www.nj.gov/grc/register/>), fill it out and send it to our agency.

All Denial of Access Complaints must be submitted to the following:

Government Records Council

101 South Broad Street

PO Box 819

Trenton NJ 08625-0819

or

(609) 633-6337 Fax

or

[Government.Records@dca.nj.gov](mailto:Government.Records@dca.nj.gov)

Sincerely,

[Redacted Signature]

**Government Records Council**

**Staff Attorney**

Tel: (609) 913-4546 | Fax: (609) 633-6337

<http://www.state.nj.us/grc/>

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This correspondence contains advisory, consultative and deliberative material and is intended solely for the person(s) shown as recipient(s).

**From:** [Redacted] [gmail.com](mailto:[Redacted]@gmail.com)>

**Sent:** Wednesday, June 12, 2024 3:52 PM

**To:** Government Records Council [DCA] <[Government.Records@dca.nj.gov](mailto:Government.Records@dca.nj.gov)>

**Subject:** [EXTERNAL] Request Question

Hope you can help with this question. According to the FAQ on your website found at <https://www.nj.gov/grc/public/faqs/>, the FAQ states: *"Also, requestors may file OPRA requests anonymously without providing any personal contact information, even though space for that information appears on the form; thus anonymous requests are permitted."*

Anytime I attempt to prepare a simple request via [https://www-njlib.nj.gov/NJ\\_OPRA/department.jsp](https://www-njlib.nj.gov/NJ_OPRA/department.jsp), the form states: *"Shaded Fields Are Required!"*. I completely understand the reasoning behind victim records (and I'm also not a prohibited person), how can I make the request anonymous if I'm not looking for restricted/sensitive content?

[Redacted Footer]

This seems to apply to all departments.

Any advice would be greatly appreciated.

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CONFIDENTIALITY NOTICE: "The information contained in this communication is privileged and confidential and is intended for the sole use of the persons or entities who are the addressees. Further, the information may be considered advisory, consultative or deliberative material, subject to the requirements established under N.J.S.A. 47:1A-1.1. If you are not the intended recipient of this email, the dissemination, distribution, copying or use of the information it contains is strictly prohibited. If you have received this communication in error, please notify the sender immediately and destroy the email and any attachments."