



# **BERGEN COUNTY PROSECUTOR'S OFFICE**

**Bergen County Justice Center, 10 Main Street  
Hackensack, New Jersey 07601-7000**

**TO: MEMBERS OF THE PUBLIC**

**FROM: PROSECUTOR JOHN L. MOLINELLI**

**DATE: JULY 8, 2002**

**RE: PUBLIC ACCESS TO GOVERNMENT RECORDS**

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Members of the public are hereby advised that the provisions of the New Jersey Public Records Act, *N.J.S.A. 47:1A-1*, et seq., allow for public access to government records, but contain various exceptions listed below.

Members of the public who are requesting copies of records must complete the *Request for Public Records* form which can be obtained in the reception area of this office and on the Bergen County Prosecutor's Office internet web site at: [www.bcpo.net](http://www.bcpo.net). The form must be delivered in person or by mail to:

OPRA Records  
Bergen County Prosecutor's Office  
Justice Center  
10 Main Street  
Hackensack, NJ 07601-7000

The statute provides for a right to appeal any denial or failure to provide access to a government record. A person who is denied access to a government record by the custodian of the record, at the option of the requestor, may:

- institute a proceeding to challenge the custodian's decision by filing an action in Superior Court which shall be heard in the vicinage where it is filed by a Superior Court Judge who has been designated to hear such cases because of that judge's knowledge and expertise in matters relating to access to government records; or
- in lieu of filing an action in Superior Court, file a complaint with the Government Records Council established pursuant to section 8 of P.L.2001, c.404 (C.47:1A-7).

The right to institute any proceeding under this section shall be solely that of the requestor. Any such proceeding shall proceed in a summary or expedited manner. The public agency shall have

the burden of proving that the denial of access is authorized by law. If it is determined that access has been improperly denied, the court or agency head shall order that access be allowed. A requestor who prevails in any proceeding shall be entitled to a reasonable attorney's fee.

**EXCEPTIONS TO PUBLIC ACCESS TO GOVERNMENT RECORDS**

<b>Privileged or Protected Category</b>	<b>Authority</b>
Autopsy Reports	N.J.S.A. 47:1A-1.1, et seq.
Child abuse or sex assault victim name or address	N.J.S.A. 2A:82-46b
Court records sealed	Executive Order 69
Computer security information	N.J.S.A. 47:1A-1.1, et seq.
Criminal investigatory records	N.J.S.A. 47:1A-1.1, et seq.
Credit Card Numbers	N.J.S.A. 47:1A-1.1, et seq.
Grand Jury testimony, information	Court Rule 3:6-7
Grievance information with public employer	N.J.S.A. 47:1A-1.1, et seq.
Domestic Violence data	N.J.S.A. 2C:25-33
Drivers' license numbers	N.J.S.A. 47:1A-1.1, et seq.
DYFS information	N.J.S.A. 9:6-8.10
Electronic Surveillance Materials	N.J.S.A. 2A:156A-19
Emergency or security information or procedures	N.J.S.A. 47:1A-1.1, et seq.
Employee sexual harassment complaints	N.J.S.A. 47:1A-1.1, et seq.
Fingerprint cards	Executive Order 69
Inter-agency or intra agency advisory communications	N.J.S.A. 47:1A-1.1, et seq.
Juvenile records	N.J.S.A. 2A:4A-60
Labor Negotiation information, strategy or positions	N.J.S.A. 47:1A-1.1, et seq.
Medical Examiner Photographs	N.J.S.A. 47:1A-1.1, et seq.
Otherwise inappropriate material	Executive Order 69
Pension and personnel records	N.J.S.A. 47:1A-1.1, et seq.
Photographs	N.J.S.A. 47:1A-1.1, et seq.; Exec. Order 69
Pre Sentence Investigations	State v. DeGeorge, 113 NJ Super.542 (App. Div. 1971)
Public Agency insurance communications	N.J.S.A. 47:1A-1.1, et seq.
Safety of persons or public	N.J.S.A. 47:1A-1.1, et seq.; Exec. Order 69
Security measures and surveillance techniques	N.J.S.A. 47:1A-1.1, et seq.
Social Security Numbers	N.J.S.A. 47:1A-1.1, et seq.
Unlisted Telephone Numbers	N.J.S.A. 47:1A-1.1, et seq.
Victim locations (Domestic Violence)	N.J.S.A. 2C:25-26c.
Victim records	N.J.S.A. 47:1A-1.1, et seq.
Record has been destroyed/not retained pursuant to:	Records Retention and Disposition Schedule (NJ Dept. of State, Div. of Archives Mgmt.)