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OPRA's 24 Exemptions From Disclosure

OPRA's 24 Exemptions From Disclosure

The Open Public Records Act ("OPRA") provides that government records must be made readily accessible for inspection, copying, or examination by records requestors, *with certain exceptions*. OPRA includes twenty-four (24) specific exemptions from disclosure within its many provisions.

If a records custodian is unable to comply with a request for access, the custodian must indicate the specific basis on the request form and promptly return it to the requestor.

The following government records or information are specifically exempt from disclosure and should not be provided to requestors of government records:

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

1. Inter-agency or intra-agency advisory, consultative or deliberative material
2. Legislative records
3. Law enforcement records:
 - a. Medical examiner photos
 - b. Criminal investigatory records (however, N.J.S.A. 47:1A-3.b. list specific criminal investigatory information which must be disclosed)
 - c. Victims' records
4. Trade secrets and proprietary commercial or financial information
5. Any record within the attorney-client privilege
6. Administrative or technical information regarding computer hardware, software and networks which, if disclosed would jeopardize computer security
7. 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
8. Security measures and surveillance techniques which, if disclosed, would create a risk to the safety or persons, property, electronic data or software
9. Information which, if disclosed, would give an advantage to competitors or bidders
10. Information generated by or on behalf of public employers or public employees in connection with:
 - a. Any sexual harassment complaint filed with a public employer
 - b. Any grievance filed by or against an employee
 - c. Collective negotiations documents and statements of strategy or negotiating
11. Information that is a communication between a public agency and its insurance carrier, administrative service organization or risk management office
12. Information that is to be kept confidential pursuant to court order
13. Certificate of honorable discharge issued by the United States government (Form DD-214) filed with a public agency
14. Social security numbers
15. Credit card numbers
16. Unlisted telephone numbers

17. Drivers' license numbers
18. Certain records of higher education institutions:
 - a. Research records
 - b. Questions or scores for exam for employment or academics
 - c. Charitable contribution information
 - d. Rare book collections gifted for limited access
 - e. Admission applications
 - f. Student records, grievances or disciplinary proceedings revealing a students' identification

N.J.S.A.47:1A-1.2

19. Biotechnology trade secrets

N.J.S.A.47:1A-2.2

20. Convicts requesting their victims' records

N.J.S.A.47:1A-3.a.

21. Ongoing investigations of non-law enforcement agencies (must prove disclosure is inimical to the public interest)

N.J.S.A.47:1A-5.k.

22. Public defender records

N.J.S.A.47:1A-9

23. 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-10

24. Personnel and pension records, except specific information identified as follows:
 - a. 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



Seeing this link on any public agency web site brings up information about the agency's public record access information. New Jersey public agencies are urged to use this symbol to bring web users to their OPRA information.

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How To Request And Get Access To Government Records

The Open Public Records Act provides procedures for the public (the "requester") to review or copy government records. This Records Note provides a summary of these procedures and guidance for requesting records.

[Records Request Forms](#)

[Time Frame for Access](#)

[Fees](#)

[Exceptions and Denial of Access](#)

To access government records, a requester must determine which records he or she wishes to see or copy, and then determine which public agency holds them. OPRA applies to requests for records, not request for isolated facts. The requester should ask the custodian of records for help in identifying what public record is likely to contain the information or facts being sought.

In order to be considered a valid request under OPRA, the request must identify the specific record(s) desired, the request must be submitted to the records custodian of the public agency that has the record, and that agency's records request form must be used to ask for the record.

Requesters should contact the agency in advance to determine the identity of the custodian. That will help eliminate delays in fulfilling a request. In a municipal government, the custodian will be the municipal clerk, or, at other levels of government, someone in that agency who has been appointed to that job. In many municipal governments, records routinely available through an office, like the police department or tax collector, can still be obtained directly from those offices.

Calling ahead or checking agency web sites in advance of filing requests can save time and aggravation. State government has a web site, [OPRA Central](#), dedicated to helping people find state government records. OPRA Central also has lists of Internet links to New Jersey public agency web sites.

[Contact Us](#) | [Privacy Notice](#) | [Legal Statement & Disclaimers](#) | [Accessibility Statement](#)



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