

## Records Request

**EFFECTIVE DATE: JULY 8, 2002 TO: MEMBERS OF THE PUBLIC**

**FROM: PROSECUTOR ROBERT D. BERNARDI**

**RE: PUBLIC ACCESS TO GOVERNMENT RECORDS**

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 with several exceptions listed below.

Members of the public who are requesting copies of records must complete the Request for Public Records form which is available in the lobby of the Burlington County Prosecutor's Office and/or on Burlington County Prosecutor's Office internet web site at:

<http://www.co.burlington.nj.us/prosecutor>

The form must be sent to the Custodian of Records in the Burlington County Prosecutor's Office, Courts Facility, 49 Rancocas Road, Mt. Holly, New Jersey 08060 who is:

**Assistant Prosecutor Glen Filippone**

The statute provides for a right to appeal any denial or failure to provide access to a government record as follows:

A person who is denied access to a government record by the Custodian of the Records, 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

| Privileged or Protected Category                   | Authority                   |
|--|-----------------------------|
| 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          |

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| 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 info. 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 comm.    | N.J.S.A. 47:1A-1.1, et seq                          |
| Juvenile Records                               | N.J.S.A. 2A:4A-60                                   |
| Labor Negotiation info., 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;<br>Executive 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;<br>Executive Order 69   |
| Security measures and                          | N.J.S.A. 47:1A-1.1, et seq                          |

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| surveillance techniques |  |
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| 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 | Records Retention and  |
| pursuant to:                           | Disposition Schedule(NJ Dept. of State Div. Of Archives Mgmt.) |

To request information from the Burlington County Prosecutor's office please print the following form, fill out and return it to us. [Open Public Records Request Form](#) (N.J.S.A. 47:1A-1 et seq.)

The form above requires [Adobe Acrobat](#).

Open Public Records Act (N.J.S.A. 47:1A-6j)

#### IMPORTANT INFORMATION FOR PUBLIC ACCESS TO GOVERNMENT RECORDS

1. State Law requires that in order to request access to government records, you must complete, sign and date this request form and deliver it in person during regular business hours to the appropriate custodian of the record requested. Your request is not considered filed until you have delivered it to the Burlington County Prosecutor's Office.
2. The fees for duplication of a government record in printed form are listed on the requested form. We will notify you of any special charges, special service charges, or other additional charges authorized by State law or regulation before processing your request. Payment shall be made by certified check or money order made payable to the Burlington County Prosecutor's Office.
3. Requests with estimated fees exceeding \$25.00 must be accompanied by a 50% deposit. You agree to pay the balance upon delivery of the records.
4. By State Law, a custodian must deny access to a person who is convicted of an indictable offense in New Jersey, any other state, or the United States, who is seeking government records containing personal information pertaining to the person's victim or the victim's family.
5. By law, the Burlington County Prosecutor's Custodian of Records must notify you within (7) business days from receipt of your request as to whether it grants or denies your request. If the record requested is not currently available or is in storage or archived, the custodian will advise you within (7) seven business days when the record can be made available and the estimated cost.
6. 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 that accommodates your interests and the interests of the Burlington County Prosecutor's Office.

7. If the Burlington County Prosecutor's Office is unable to comply with your request for access to a government record, the custodian will indicate the reasons for denial on the request form and send you a signed and dated copy.

8. Except as otherwise provided by law or by agreement the requestor, if the custodian of the record requested fails to respond to you within (7) seven business days of receiving a written, signed request form, the failure to respond will be considered a denial of your request.

9. If your request for access to a government record has been denied or unfiled within the time permitted by law, you have a right to challenge the decision by the Burlington County Prosecutor's Office to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint in writing with the Government Records Council (GRC) located in the Department of Community Affairs.