



NEW JERSEY GOVERNMENT RECORDS COUNCIL
Administrative Complaint Disposition – No Records Responsive to the Request
Exist

GRC Complaint No.: 2012-217

Complainant: Mildred Edith Johnson

Public Agency: New Jersey Government Records Council

Custodian of Record: Frank Caruso

Date of Request: March 8, 2007

Date of Complaint: June 18, 2012¹

Complaint Disposition: The Custodian certifies that the GRC responded to the Complainant in writing within the statutorily mandated response time indicating that no records responsive to the OPRA request exist. The Custodian also certifies that the GRC does not possess any of the records held by the Division of Youth and Family Services. The Custodian further certifies that the GRC does not maintain the records of any public agency other than its own. Additionally, the Complainant has failed to provide any evidence to contradict the Custodian's certification.

Applicable OPRA Provision: "Government record" or "record" means any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed document, information stored or maintained electronically or by sound-recording or in a similar device, or any copy thereof, that has been made, maintained or kept on file in the course of his or its official business by any officer, commission, agency or authority of the State or of any political subdivision thereof, including subordinate boards thereof, or that has been received in the course of his or its official business by any such officer, commission, agency, or authority of the State or of any political subdivision thereof, including subordinate boards thereof. The terms shall not include inter-agency or intra-agency advisory, consultative, or deliberative material." N.J.S.A. 47:1A-1.1

"The Government Records Council shall:

- establish an informal mediation program to facilitate the resolution of disputes regarding access to government records;
- receive, hear, review and adjudicate a complaint filed by any person concerning a denial of access to a government record by a records custodian;
- issue advisory opinions, on its own initiative, as to whether a particular type of record is a government record which is accessible to the public;
- prepare guidelines and an informational pamphlet for use by records custodians in complying with the law governing access to public records;

¹ The GRC received the Denial of Access Complaint on said date.



- prepare an informational pamphlet explaining the public's right of access to government records and the methods for resolving disputes regarding access, which records custodians shall make available to persons requesting access to a government record;
- prepare lists for use by records custodians of the types of records in the possession of public agencies which are government records;
- make training opportunities available for records custodians and other public officers and employees which explain the law governing access to public records; and
- operate an informational website and a toll-free helpline staffed by knowledgeable employees of the council during regular business hours which shall enable any person, including records custodians, to call for information regarding the law governing access to public records and allow any person to request mediation or to file a complaint with the council when access has been denied.” N.J.S.A. 47:1A-7.b.

Thus, the GRC does not maintain records on behalf of other public agencies.²

This is the final administrative determination in this matter. Any further review should be pursued in the Appellate Division of the Superior Court of New Jersey within forty-five (45) days. Information about the appeals process can be obtained from the Appellate Division Clerk’s Office, Hughes Justice Complex, 25 W. Market St. PO Box 006, Trenton, NJ 08625-0006.

Effective Date of Disposition: August 21, 2012

Prepared By: Harlynn A. Lack, Esq.
Case Manager

Approved By: Karyn Gordon, Esq.
Acting Executive Director

Date: August 28, 2012

Distribution Date: August 28, 2012

² Because the Complainant has specifically chosen to adjudicate the instant Denial of Access Complaint in this forum, and because the Council finds that there is a pressing public need to adjudicate these matters, and because the Council has unique expertise and experience which cannot be duplicated at any other forum the Doctrine of Necessity permits any Council members who may have a conflict interest to participate in the adjudication of these matters, notwithstanding any conflicts of interest that may exist. See Caggiano v. NJ Government Records Council, GRC Complaint Nos. 2010-212 and 2010-213 (November 30, 2010).