



**NEW JERSEY GOVERNMENT RECORDS COUNCIL**  
**Administrative Complaint Disposition – Request not within the Council's**  
**Jurisdiction to Adjudicate**

**GRC Complaint No.:** 2013-02

**Complainant:** Mike Petuskey  
**Agency:** Sacred Heart High School (Cumberland)  
**Custodian of Record:** None

**Date of Request:** September 14, 2012  
**Date of Complaint:** January 3, 2013<sup>1</sup>

**Complaint Disposition:** The Complainant asserts a denial of access to records requested on September 14, 2012. However, counsel for Sacred Heart High School informed the GRC that the school is a private religious institution managed and administered through the Roman Catholic Diocese of Camden under powers held by the Roman Catholic Bishop of the Diocese of Camden and, as such, is not a public agency as defined in OPRA.<sup>2</sup> Moreover, the school's website states that "...Sacred Heart High School is a four year co-educational Catholic secondary school operating under the auspices of the Roman Catholic Diocese of Camden."<sup>3</sup> Therefore, the GRC does not have jurisdiction to adjudicate this complaint because the Complainant is not seeking government records.

**Applicable OPRA Provisions:**

"Government 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...receive, hear, review and adjudicate a complaint filed by any person concerning a denial of access to a *government record* by a records custodian..." N.J.S.A. 47:1A-7(g). (Emphasis added.)

**Effective Date of Disposition:** April 30, 2013

<sup>1</sup> The GRC received the Denial of Access Complaint on said date.

<sup>2</sup> Sacred Heart High School is represented by Lawrence A. Pepper, Jr., Esq., of Gruccio, Pepper, DeSanto & Ruth, P.A. (Vineland, NJ).

<sup>3</sup> See <http://www.sacredheartvineland.com/>



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Executive Director

Date: April 23, 2013

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