



NEW JERSEY GOVERNMENT RECORDS COUNCIL

Administrative Complaint Disposition – No Records Responsive To the Request Exist

Michael Evans
Complainant

GRC Complaint No. 2017-190

v.

New Jersey Department of Correction
Custodial Agency

Custodian of Record: John Falvey¹

Request Received by Custodian: August 9, 2016; July 1, 2017

GRC Complaint Received: September 20, 2017

Complaint Disposition: The Custodian certified that he responded to the Complainant’s OPRA requests in writing within the statutorily mandated response time indicating that no responsive records existed. Specifically, the Custodian noted that the requested records exceeded their retention schedule and were destroyed.² Additionally, the Complainant has failed to provide any evidence to contradict the Custodian’s certification. Thus, this complaint should be dismissed because the record reflects that no responsive records exist.

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.” N.J.S.A. 47:1A-1.1.

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: June 26, 2018

¹ Samuel Winslow, Executive Assistant at Central Reception and Assignment Facility, was also named in this complaint.

² The Custodian further detailed his response by advising the Complainant that New Jersey Department of Corrections’ “Records Retention Schedule” provides that inmate records are only maintained for (10) years after “service of sentence” is completed. The evidence of record provides that the Complainant was released from his sentence in 2005.



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