



State of New Jersey
FRANKFORD TOWNSHIP
GOVERNMENT RECORDS REQUEST FORM



Important Notice

The reverse side of this form contains important information related to your rights concerning government records. Please read it carefully.

Requestor Information – Please Print

First Name _____ MI _____ Last Name _____
 Company _____
 Mailing Address _____
 City _____ State _____ Zip _____ Email _____
 Business Hours Telephone: Area Code _____ Number _____ Extension _____
 Preferred Delivery: Pick Up _____ US Mail _____ On Site Inspect _____
Circle One: Under penalty of N.J.S.A. 2C:28-3, I certify that I **HAVE / HAVE NOT** been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.
 Signature _____ Date _____

Payment Information

Maximum Authorization Cost \$ _____
 Select Payment Method
 Cash _____ Check _____ Money Order _____
 Fees: Letter Size @\$0.05
 Legal Size @\$0.07
 Delivery: Delivery / postage fees additional depending upon delivery type.
 Extras: Extraordinary service fees dependent upon request.

Record Request Information: To expedite the request, be as specific as possible in describing the records being requested. Also, please include the type of access requested (copying or inspection), and if data, the medium requested.

[Large empty box for Record Request Information]

AGENCY USE ONLY

Est. Document Cost _____
 Est. Delivery Cost _____
 Est. Extras Cost _____
 Total Est. Cost _____
 Deposit Amount _____
 Estimated Balance _____
 Deposit Date _____

AGENCY USE ONLY

Disposition Notes
 Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.
 In Progress - Open _____
 Denied - Closed _____
 Filled - Closed _____
 Partial - Closed _____

AGENCY USE ONLY

Tracking Information		Final Cost	
Tracking #	_____	Total	_____
Rec'd Date	_____	Deposit	_____
Ready Date	_____	Balance Due	_____
Total Pages	_____	Balance Paid	_____
Records Provided			
Custodian Signature _____		Date _____	

Requesting Access to Government Records Under the New Jersey Open Public Records Act (N.J.S.A. 47:1A-1 et seq.)

1. This form should only be used to submit records requests to the *Frankford Township*.
2. In order to request access to government records under OPRA, you must complete all the required portions of and date this request form and deliver it in person during regular business hours or by mail, fax or electronically to the appropriate custodian of the record requested. Your request is not considered filed until the appropriate custodian of the record requested has received a completed request form. If you submit the request form to any other officer or employee of *Frankford Township*, that officer or employee may not have the authority to accept your request form on behalf of *Frankford Township* and your request will be directed to the appropriate division custodian. The seven business day response time will not commence until the proper custodian reviews the request to determine if it is complete.
3. If you submit a request for access to government records to someone other than the appropriate custodian, do not complete the *Frankford Township* request form, or attempt to make a request for access by telephone or fax; the Open Public Records Act and its deadlines, restrictions and remedies will not apply to your request.
4. The fees for duplication of a government record in printed form are listed on the front of this 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 check or money order payable to *Frankford Township*.
5. If it is necessary for the records custodian to contact you concerning your request, providing identifying information, such as your name, address and telephone number or an e-mail address is required. Where contact is not necessary, anonymous requests are permitted; except that anonymous requests for personal information are not honored.
6. **You may be charged a 50% or other deposit when a request for copies exceeds \$25.** *Frankford Township* will contact you and advise you of any deposit requirements. Anonymous requests, when permitted, require a deposit of 100% of estimated fees. You agree to pay the balance due upon delivery of the records.
7. Under OPRA, a custodian must deny access to a person who has been convicted of an indictable offense in New Jersey, any other state, or the United States, and who is seeking government records containing personal information pertaining to the person's victim or the victim's family.
8. By law, *Frankford Township* must notify you that it grants or denies a request for access to government records within seven business days after the custodian of the record requested receives the request, provided that the record is currently available and not in storage. If the record requested is not currently available or is in storage, the custodian will advise you within seven business days when the record can be made available and the estimated cost. You may agree with the custodian to extend the time for making records available, or granting or denying your request.
9. 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.
10. If *Frankford Township* 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.
11. Except as otherwise provided by law or by agreement with the requester, if the custodian of the record requested fails to respond to you within seven business days of receiving a request form, the failure to respond will be considered a denial of your request.
12. If your request for access to a government record has been denied or unfilled within the time permitted by law, you have a right to challenge the decision by *Frankford Township* 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). You may contact the GRC by toll-free telephone at 866-850-0511, by mail at PO Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The Council can also answer other questions about the law.
13. Information provided on this form may be subject to disclosure under the Open Public Records Act.



THE OPRA ALERT

VOLUME 3, ISSUE 2

NOVEMBER 2010

CHANGES TO OPRA'S COPY FEES BECOME EFFECTIVE TUESDAY NOVEMBER 9, 2010

The Government Records Council (GRC) has published several issues of *The OPRA Alert* regarding the changes to OPRA's copying fees. In its most recent issue dated September 2010, the GRC informed the OPRA community that Governor Christie signed into law new fee legislation that will dramatically change the copy fees established under N.J.S.A. 47:1A-5.b. These changes to the copy fee schedule become effective for all New Jersey public agencies on **Tuesday November 9, 2010**.

Previously, the OPRA fee schedule set forth in N.J.S.A. 47:1A-5.b provided that "the fee assessed for the duplication of a government record embodied in the form of printed matter shall not exceed the following: first page to tenth page, \$0.75 per page; eleventh page to twentieth page, \$0.50 per page; all pages over twenty, \$0.25 per page."

Said provision of OPRA has since been amended to provide that:

"[a] copy or copies of a government record may be purchased by any person upon payment of the fee prescribed by law or regulation. Except as otherwise provided by law or regulation, the fee assessed for the duplication of a government record embodied in the form of printed matter shall be \$0.05 per letter size page or smaller, and \$0.07 per legal size page or larger. If a public agency can demonstrate that its actual costs for duplication of a government record exceed the foregoing rates, the public agency shall be permitted to charge the actual cost of duplicating the record. The actual cost of duplicating the record, upon which all copy fees are based, shall be the cost of materials and supplies used to make a copy of the record, but shall not include the cost of labor or other overhead expenses associated with making the copy except as provided for in subsection c. of this section. Access to electronic records and non-printed materials shall be provided free of charge, but the public agency may charge for the actual costs of any needed supplies such as computer discs." (Emphasis added). N.J.S.A. 47:1A-5.b.

To fully understand the impact of this amendment to OPRA's copy fee schedule, the GRC interprets each sentence of the amended fee provision below:

1. "[a] copy or copies of a government record may be purchased by any person upon payment of the fee prescribed by law or regulation."

This sentence means that custodians are to charge OPRA requestors any copy fees that are established by other New Jersey laws or regulations, if said fees exist. For example, N.J.S.A. 22A:4-1a sets forth specific fees for certain records filed with the New Jersey Department of Treasury (and requested from the Department of Treasury). Specifically, said statute provides that "[i]f a roll of microfilm images is requested, the State Treasurer shall collect a fee of \$1.00 for each image on the microfilm roll." Thus, if a requestor seeks access to a microfilm roll from the Department of Treasury, the Department's custodian must charge the fees established in N.J.S.A. 22A:4-1a. The same applies for any other records that have specific fees established in other New Jersey laws or regulations.

2. "Except as otherwise provided by law or regulation, the fee assessed for the duplication of a government record embodied in the form of printed matter shall be \$0.05 per letter size page or smaller, and \$0.07 per legal size page or larger."

For records that do not have a specific fee established by statute (like the Treasury example above), custodians must charge a flat rate of \$0.05 per letter size (8 1/2" x 11") page or smaller, and \$0.07 per legal size (8 1/2" x 14") page or larger, *if providing a requestor with paper copies*. For example, a custodian providing access to 3 pages of printed meeting minutes on letter size pages would charge a requestor \$0.15 (\$0.05 per page for 3 pages = \$0.15).

3. "If a public agency can demonstrate that its actual costs for duplication of a government record exceed the foregoing rates, the public agency shall be permitted to charge the actual cost of duplicating the record. The actual cost of duplicating the record, upon which all copy fees are based, shall be the cost of materials and supplies used to make a copy of the record, but shall not include the cost of labor or other overhead expenses associated with making the copy except as provided for in subsection c. of this section." (Emphasis added).

It is possible that the actual cost to produce paper copies will exceed \$0.05 per letter size page or smaller and \$0.07 per legal size page or larger for some public agencies. In these instances, the OPRA amendment allows custodians to charge the actual cost of duplication, which is limited to the cost of materials and supplies used to make the copy. The GRC has previously provided the OPRA community with an actual cost calculation which should be used to determine the actual cost of providing paper copies. See *OPRA Alert* Volume 2, Issue 3 (June 2010).

How to Calculate Actual Costs (only if copies exceed the \$0.05 and \$0.07 rates)

- Custodians should contact their supplier to determine the cost of paper and toner. A supplier is wherever the agency obtains those materials – paper and toner (i.e. central purchasing unit, Staples, Office Depot, etc).
- Calculate or contact copying company to determine the agency's annual copying volume (calendar or fiscal year, however the agency operates). This does NOT only include copies pertaining to OPRA requests – this is ALL copying on all copy machines in the agency for all purposes.
- Contact copying company to determine the average paper life of one toner/ink cartridge (i.e. how many pieces of paper the ink or toner should be able to copy).
- Custodians must maintain documentation of all information provided by copying company or office supplier (i.e. contracts or correspondence from purchasing agent or copying company) regarding this calculation.
- **Actual calculation is the total cost of paper purchased for 1 year (calendar or fiscal) + the total cost of toner purchased (calendar or fiscal) ÷ the annual copying volume.**
- This calculation can be averaged for all copy machines in an agency that produce letter and legal copies. Special copiers, such as for color printing or blueprints copied in house, should be calculated separately.

4. "If a public agency can demonstrate that its actual costs for duplication of a government record exceed the foregoing rates, the public agency shall be permitted to charge the actual cost of duplicating the record. *The actual cost of duplicating the record, upon which all copy fees are based, shall be the cost of materials and supplies used to make a copy of the record, but shall not include the cost of labor or other overhead expenses associated with making the copy except as provided for in subsection c. of this section.*" (Emphasis added).

The reference to "subsection c." pertains to OPRA's special service charge provision, which is applicable in instances when fulfilling an OPRA request requires an extraordinary amount of time and effort. For guidance on how and when to apply a special service charge to an OPRA request, please refer to the GRC's "Special Service Charge" handout online at <http://www.nj.gov/grc/meetings/present/>.

The GRC strongly encourages every public agency to clearly identify its per page copy fee on its OPRA request form, whether it be the flat rates established in N.J.S.A. 47:1A-5.b., or the actual cost calculated by the agency.

5. "Access to electronic records and non-printed materials shall be provided free of charge, but the public agency may charge for the actual costs of any needed supplies such as computer discs."

Records provided via e-mail and facsimile are free of charge. Custodians must charge the actual cost to provide access to all other electronic materials such as CD-ROMs, DVDs, videotapes, audiotapes, etc. No specific calculation is required to determine the actual cost of these supplies. The actual cost is the specific fee the agency paid to purchase the materials. For example, if the GRC purchased a package of 100 CD-ROMs for \$100 and provided records to a requestor on 1 CD-ROM, the actual cost of said CD-ROM is \$1.00 ($\$100 \div 100 = \1.00).

CHANGES TO FEES FOR MOTOR VEHICLE ACCIDENT REPORTS

The same legislation that amended the OPRA copy fees also amended the fee schedule for motor vehicle accident reports. The Motor Vehicle and Traffic Regulation previously provided that:

"Every citizen of this State shall have the right, during regular business hours and under supervision, to inspect and copy such reports and shall also have the right in person to purchase copies of the [accident] reports at the same fee established by [OPRA]. If copies of reports are requested other than in person, an additional fee of up to \$5.00 for the first three pages and \$1.00 per page thereafter may be added to cover the administrative costs of the report..." N.J.S.A. 39:4-131.

This regulation allowed custodians providing access to motor vehicle accident reports pursuant to an OPRA request to charge the OPRA copying fees *plus* the additional fees described above when reports were not requested in person. The GRC held that the additional fees applied to cover the administrative costs of mailing the requested motor vehicle accident reports. See Donato v. Jersey City Police Department, GRC Complaint No. 2005-251 (April 2007).

However, as of Tuesday November 9, 2010, the fees for providing access to motor vehicle accident reports pursuant to an OPRA request are changed as follows:

"Every citizen of this State shall have the right, during regular business hours and under supervision, to inspect and copy such reports and shall also have the right in person to purchase copies of the [accident] reports at the same fee established by [OPRA]. If copies of reports are requested other than in person, an additional fee of up to \$5.00 may be added to cover the administrative costs of the report..."

The amendment removes the subsequent charge of \$1.00 for each page after the third page and sets a flat fee of an additional \$5.00 (in addition to the new OPRA fees) when reports are requested other than in person. For example, if a requestor sought access to a 5 page motor vehicle accident report via regular mail, a custodian may charge a total of \$5.25 (OPRA fee of \$0.05 per page for 5 pages = \$0.25; an additional fee of \$5.00 to cover the administrative costs of mailing the report).

All changes in fees discussed in this *OPRA Alert* issue become effective on **Tuesday November 9, 2010**.

Please note that neither OPRA nor the GRC administer the fee schedule for discovery requests. Thus, the GRC cannot provide any guidance as it relates to any fees associated with discovery requests. Requests for discovery are guided by the Rules of Court.

The Government Records Council (GRC) is committed to making the Open Public Records Act (OPRA) work for the citizens of New Jersey. Since the law's inception, the GRC has worked hard to make government records more easily accessible to the public. The GRC is committed to being the facilitator of open government in New Jersey.

Created under OPRA, the Government Records Council:

- Responds to inquiries and complaints about the law from the public and public agency records custodians
- Issues public information about the law and services provided by the Council
- Maintains a toll-free help-line and Web site to assist the public and records custodians
- Issues advisory opinions on the accessibility of government records
- Delivers training on the law
- Provides mediation of disputes about access to government records
- Resolves disputes regarding access to government records



STATE OF NEW JERSEY

GOVERNMENT RECORDS COUNCIL

Government Records Council members are:

Robin Berg Tabakin, Esq. (Chairwoman)

Owner of Technoforce, LLC and former State
President of the New Jersey Association of
Women Business Owners

Lori Grifa

Commissioner of the New Jersey
Department of Community Affairs

Rochelle Hendricks

Acting Commissioner of the New Jersey
Department of Education

Government Records Council staff members are:

Catherine Starghill, Esq. (Executive Director)

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Dara Lownie (Communications Manager)

Frank Caruso (Senior Case Manager)

Harlynn A. Lack, Esq. (Case Manager/Staff Attorney)

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