BROOKDALE COMMUNITY COLLEGE
COLLEGE REGULATION

2.0025R Public Access to Government Records

I. Title of Regulation

Public Access to Government Records

II. Objective of Regulation

To assure compliance by Brookdale Community College with the applicable provisions of the New Jersey Public Access to Government Records Act (the "Act"), effective July 8, 2002, and as amended. This regulation evidences the commitment of the College to make government records, as defined in the Act, readily accessible for inspection, copying, or examination, while safeguarding from public access, proprietary or personal information entrusted to the College with the reasonable expectation that the College will treat the information as confidential and/or private.

To recognize the appointment of the Legal Affairs Officer, reporting directly to the President, as the Custodian of Government Records.

To adopt the Government Records Council's ("GRC") Model Open Public Records Act ("OPRA") Request Form as the College's designated form for processing OPRA requests. This will help to streamline the OPRA request process, ensure consistency in how requests are handled, and support compliance with applicable regulations.

III. Authority

New Jersey Public Access to Government Records Act (N.J.S.A. 47:1A-1 et seq. and Brookdale Community College Board of Trustee Policy 2.0002.

IV. Regulation Statements

Government Records Custodian

The Custodian of Government Records ("Records Custodian") is responsible for discharging the duties imposed pursuant to the Act and to assure compliance by the College with the Act. Should an employee of the College receive a request for access to non-educational records or information falling within, or claimed to fall within, the definition of government records under the Act, that individual should forward the request to the Records Custodian or direct the requestor to the Records Custodian if an oral request is made.

The Records Custodian shall make the initial determination of whether access to a government record(s) should be granted or denied. Factors considered in rendering the initial determination include, but are not limited to, whether:

A. The information requested is exempt from public access or excluded from the definition of government record;
B. Disclosure would otherwise violate proprietary rights or individual privacy rights recognized by law;
C. The information requested pertains to an investigation in progress and disclosure would be detrimental to the public interest; or
D. Disclosure would substantially disrupt College operations.

In making these determinations the Records Custodian may seek the advice of College Counsel.

If the Records Custodian determines that part of a particular record is exempt from public access, the Records Custodian shall delete or redact from a copy of the record that portion which the Records Custodian determines to be exempt from access and shall permit access to the remainder of the record.

Procedure for Requesting Government Records

A request for access to a government record must be in writing and hand-delivered, mailed, transmitted electronically, or otherwise conveyed to the Records Custodian.

Requestors should use the College's official OPRA request form (PROVIDE LINK) but are permitted to submit their request via "a letter, or an email" that includes all of the information required on the adopted form. This includes answering the certification questions related to a "commercial purpose" use; whether the requestor is seeking records in connection with a legal proceeding including case identifiers if yes; and whether the requestor has been convicted of a crime. Failure to include all form information on the written equivalent or including substantially more information than required on the form could result in the request being denied.

The Records Custodian should fulfill a request as soon as possible but not later than seven (7) business days after the request is received, exclusive of holidays and College closures, and provided the record is currently available and not in storage or archived. However, there are several exceptions to the stated time frame and requestors are recommended to review the Citizen's Guide to the Open Public Records Act ("Guide") to fully understand the requirements of the Act. This Guide has been updated to reflect the amendments made to OPRA, effective September 3, 2024. The GRC's website is located at: www.state.nj.us/grc/ and contains useful information on the law, including exemptions and exceptions, reproduction fees and special service charges, information on the Denial of Access Complaint process and a search engine of GRC decisions.

V. Responsibility for Implementation

President and Legal Affairs Officer/Government Records Custodian

Approved: Upon adoption of Board of Trustees Policy 2.8000, lodged May 9, 2002
Effective: 6/13/02
Revised: 4/14/11
Revised: 9/12/12
Updated: 6/19/2025

OPRA Form.pdf