

**ASSEMBLY, No. 4599**

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**STATE OF NEW JERSEY**

**221st LEGISLATURE**

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INTRODUCED JUNE 17, 2024

**Sponsored by:**

**Assemblywoman YVONNE LOPEZ**

**District 19 (Middlesex)**

**SYNOPSIS**

Exempts personal information from redaction and nondisclosure requirements in certain public filings and records.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning certain exceptions to the nondisclosure and  
2 redaction requirements for public records and amending  
3 P.L.2021, c.371.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. Section 1 of P.L.2021, c.371 (C.47:1B-1) is amended to read  
9 as follows:

10 1. a. As used in this act, P.L.2021, c.371 (C.47:1B-1 et al.):

11 "Authorized person" means a covered person or any of the  
12 following persons hereby authorized to submit or revoke a request  
13 for the redaction or nondisclosure of a home address on behalf of a  
14 covered person:

15 (1) on behalf of any federal judge, a designee of the United  
16 States Marshals Service or of the clerk of any United States District  
17 Court, provided that the designee submits the affirmation required  
18 under subsection d. of section 2 of P.L.2021, c.371 (C.47:1B-2)  
19 signed by each federal judge for whom a request or revocation is  
20 made;

21 (2) on behalf of any covered person who is deceased or  
22 medically or psychologically incapacitated, a person acting on  
23 behalf of the covered person as a designated trustee, as an estate  
24 executor, or pursuant to a written power of attorney or other legal  
25 instrument, provided that the person signs and submits the  
26 affirmation required under subsection d. of section 2 of P.L.2021,  
27 c.371 (C.47:1B-2) in the stead of the covered person; and

28 (3) on behalf of any immediate family member who is a minor  
29 and who is otherwise entitled to address redaction or nondisclosure  
30 pursuant to this act, the parent or legal guardian thereof.

31 "Covered person" means an active, formerly active, or retired  
32 judicial officer, law enforcement officer, or child protective  
33 investigator in the Division of Child Protection and Permanency, as  
34 those terms are defined by section 1 of P.L.1995, c.23 (C.47:1A-  
35 1.1), or prosecutor, and any immediate family member residing in  
36 the same household as the judicial officer, law enforcement officer,  
37 child protective investigator in the Division of Child Protection and  
38 Permanency, or prosecutor.

39 "Immediate family member" means a spouse, child, or parent of,  
40 or any other family member related by blood or by law to, an active,  
41 formerly active, or retired judicial officer, law enforcement officer,  
42 or child protective investigator in the Division of Child Protection  
43 and Permanency, as defined by section 1 of P.L.1995, c.23  
44 (C.47:1A-1.1), or prosecutor and who resides in the same household  
45 as the judicial officer, law enforcement officer, child protective

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 investigator in the Division of Child Protection and Permanency, or  
2 prosecutor.

3 b. There is established in the Department of Community  
4 Affairs an office to be known as the Office of Information Privacy.  
5 The office shall be led by a director, who shall be appointed by and  
6 serve at the pleasure of the Commissioner of Community Affairs  
7 and who may hire staff as necessary.

8 c. The director shall establish:

9 (1) a secure portal through which an authorized person may  
10 submit or revoke a request for the redaction or nondisclosure of a  
11 covered person's home address from certain records and Internet  
12 postings, as provided in section 2 of P.L.2021, c.371 (C.47:1B-2);  
13 and such requests shall not be subject to disclosure under P.L.1963,  
14 c.73 (C.47:1A-1 et seq.);

15 (2) a process by which an authorized person may petition the  
16 director for reconsideration of a denial of such request or any  
17 revocations thereof;

18 (3) a process by which a person or entity may request receipt of a  
19 record that does not contain redactions, or of information that is not  
20 disclosable, resulting from subsection a. of section 2 of P.L.2021,  
21 c.371 (C.47:1B-2); and

22 (4) a process for the evaluation of any other exceptions to the  
23 requirement for redaction or nondisclosure pursuant to section 2 of  
24 P.L.2021, c.371 (C.47:1B-2), whether categorical or individualized.  
25 The director may grant an exception to any person or entity for the  
26 receipt of the unredacted records or information pursuant to this  
27 process.

28 d. The director shall evaluate and either approve or deny a  
29 request submitted pursuant to subsection c. of this section and any  
30 revocations thereof.

31 e. (1) The director may enter into any agreement or contract  
32 necessary to effectuate the purposes of this act.

33 (2) The director may issue any guidance, guidelines, decisions,  
34 or rules and regulations necessary to effectuate the purposes of this  
35 act. The rules and regulations shall be effective immediately upon  
36 filing with the Office of Administrative Law for a period not to  
37 exceed 18 months, and shall, thereafter, be amended, adopted, or  
38 readopted in accordance with the provisions of the "Administrative  
39 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

40 f. The director, on the secure portal established pursuant to  
41 subsection c. of this section, shall identify and prominently display  
42 the exceptions to the redaction and nondisclosure requirements, as  
43 established by section 3 of P.L.2021, c.371 (C.47:1B-3).

44 (cf: P.L.2023, c.113, s.3)

45

46 2. Section 3 of P.L.2021, c.371 (C.47:1B-3) is amended to read  
47 as follows:

1       3. a. The following exceptions shall apply to the requirement  
2 to redact, and the prohibition against the disclosure of, a home  
3 address pursuant to section 2 of P.L.2021, c.371 (C.47:1B-2) in  
4 accordance with section 2 of P.L.2015, c.226 (C.47:1-17), section 1  
5 of P.L.1995, c.23 (C.47:1A-1.1), or section 6 of P.L.2001, c.404  
6 (C.47:1A-5):

7       (1) Copies of voter registration files maintained in the Statewide  
8 voter registration system pursuant to section 2 of P.L.2005, c.145  
9 (C.19:31-32) and maintained by the commissioner of registration in  
10 each county pursuant to R.S.19:31-3 shall be provided as redacted  
11 pursuant to section 2 of P.L.2021, c.371 (C.47:1B-2), except that  
12 copies of the files as unredacted pursuant thereto shall be provided  
13 to the following individuals, upon the individual's signing of an  
14 affidavit attesting to the individual's qualifying status pursuant  
15 hereto:

16       (a) the chairperson of the county or municipal committee of a  
17 political party, as appropriate under R.S.19:7-1, or a designee  
18 thereof, for distribution to any person authorized to serve as a  
19 challenger pursuant to R.S.19:7-1 or section 2 of P.L.2021, c.40  
20 (C.19:15A-2), subject to the limitations in section 1 of P.L.1960,  
21 c.82 (C.19:7-6.1); and the unredacted copies may only be used for  
22 the purpose specified in R.S.19:7-5;

23       (b) a candidate, or a designee thereof, for distribution to a  
24 challenger appointed thereby pursuant to section 2 of P.L.2021, c.40  
25 (C.19:15A-2) for the person's use in accordance with R.S.19:7-5;

26       (c) a candidate acting as a challenger pursuant to R.S.19:7-2 or  
27 the other person appointed thereunder, for use in accordance with  
28 R.S.19:7-5;

29       (d) any vendor, contractor, or organization carrying out a  
30 function of a county or of the State concerning the administration or  
31 conduct of elections; and

32       (e) upon order of a judge of the Superior Court after a finding  
33 that the unredacted copy is necessary to determine the merits of a  
34 petition filed in accordance with R.S.19:29-3, a person filing such  
35 petition or the respondent or both.

36       This paragraph shall apply to registry lists as described in section  
37 2 of P.L.1947, c.347 (C.19:31-18.1).

38       (2) Other than as provided in subparagraphs (d) and (e) of  
39 paragraph (4) of this subsection, a document affecting the title to  
40 real property, as defined by N.J.S.46:26A-2, recorded and indexed  
41 by a county recording officer, or as otherwise held or maintained by  
42 the Division of Taxation, a county board of taxation, a county tax  
43 administrator, or a county or municipal tax assessor, that contains  
44 an address subject to redaction or nondisclosure consistent with this  
45 act, P.L.2021, c.371 (C.47:1B-1 et al.):

46       may instead or in addition include the redaction and  
47 nondisclosure of the names or other information of approved  
48 covered persons, as specified by the Director of the Division of

1 Taxation, which redaction and nondisclosure may include masking  
2 of such names or other information, and

3 shall be provided as unredacted to the following persons when  
4 requested in such person's ordinary course of business:

5 (a) a title insurance company, a title insurance agent, or an  
6 approved attorney, as defined in section 1 of P.L.1975, c.106  
7 (C.17:46B-1);

8 (b) a mortgage guarantee insurance company, as described in  
9 section 4 of P.L.1968, c.248 (C.17:46A-4);

10 (c) a mortgage loan originator, as defined in section 3 of  
11 P.L.2009, c.53 (C.17:11C-53);

12 (d) a registered title search business entity, as defined in section  
13 4 of P.L.2021, c.371 (C.17:46B-1.1);

14 (e) a real estate broker, a real estate salesperson, a real estate  
15 broker-salesperson, a real estate salesperson licensed with a real  
16 estate referral company, or a real estate referral company, as such  
17 terms are defined in R.S.45:15-3; and

18 (f) an individual or business that has made or received an offer  
19 for the purchase of real estate and real property, or any portion  
20 thereof, to or from a covered person whose address is subject to  
21 redaction or nondisclosure pursuant to section 2 of P.L.2021, c.371  
22 (C.47:1B-2).

23 This act shall not be construed to prohibit a county recording  
24 officer from returning a document as unredacted to any person who  
25 submitted the document for recordation.

26 (3) A home address as unredacted may be provided by a public  
27 agency to the majority representative of such agency's employees.

28 (4) The following shall not be subject to redaction or  
29 nondisclosure pursuant to section 2 of P.L.2021, c.371 (C.47:1B-2):

30 (a) records and documents, including Uniform Commercial  
31 Code filings and financing statements, maintained by the Division  
32 of Revenue and Enterprise Services in the Department of the  
33 Treasury;

34 (b) petitions naming candidates for office pursuant to R.S.19:13-  
35 1 and R.S.19:13-4;

36 (c) petitions signed in accordance with R.S.19:13-6;

37 (d) records evidencing any lien, judgement, or other  
38 encumbrance upon real or other property;

39 (e) assessment lists subject to inspection pursuant to R.S.54:4-  
40 38 when inspected in person;

41 (f) the index of all recorded documents maintained by a county  
42 recording officer as under N.J.S.46:26A-8 when inspected in  
43 person; **[and]**

44 (g) property that is presumed abandoned under the "Uniform  
45 Unclaimed Property Act," P.L.1989, c.58 (C.46:30B-1 et seq.);

46 (h) recall petitions circulated and signed in accordance with  
47 P.L.1995, c.105 (C.19:27A-1 et seq.);

1     (i) any reports concerning campaign contributions and  
2 expenditures required to be filed with the Election Law  
3 Enforcement Commission by any individual, candidate, campaign,  
4 committee, or other entity pursuant to "The New Jersey Campaign  
5 Contributions and Expenditures Reporting Act," P.L.1973, c.83  
6 (C.19:44A-1 et seq.), or any report or list of such contributions  
7 required to be submitted pursuant to P.L.2005, c. 51 (C.19:44A-  
8 20.13 et seq.) or P.L.2005, c.271 (C.19:44A-20.26 et seq.);

9     (j) any financial disclosure statements filed with the Election  
10 Law Enforcement Commission by a candidate for Governor  
11 pursuant to P.L.1981, c.129 (C.19:44B-1 et seq.); and

12     (k) any reports filed with the Election Law Enforcement  
13 Commission by a lobbyist or governmental affairs agent, or by any  
14 recipient of a benefit therefrom, pursuant to P.L.1971, c.183  
15 (C.52:13C-18 et seq.).

16     (5) A public agency may share unredacted information with any  
17 vendor, contractor, or organization to carry out the purposes for  
18 which the public agency entered into an agreement with the vendor,  
19 contractor, or organization. The vendor, contractor, or organization  
20 shall not use such information in any manner other than as  
21 necessary to carry out the purposes of the agreement.

22     (6) For a record or other document containing a home address  
23 required to be redacted pursuant to section 2 of P.L.2021, c.371  
24 (C.47:1B-2) that, because of the characteristics or properties of the  
25 record or document, is only available to be viewed in person, a  
26 custodian or other government official shall make every reasonable  
27 effort to hide such address when allowing an individual without  
28 authority to view such address as unredacted to view the record or  
29 document.

30     b. Nothing in this act shall be construed to require redaction or  
31 nondisclosure of any information in any document, record,  
32 information, or database shared with or otherwise provided to any  
33 other government entity.

34     c. Information otherwise subject to redaction or nondisclosure  
35 pursuant to section 2 of P.L.2021, c.371 (C.47:1B-2) may be  
36 provided as unredacted upon order of a judge of the Superior Court  
37 or of any other court of competent jurisdiction.

38     d. This section shall not be construed to require a record to be  
39 made available that is not otherwise required to be made available  
40 under any other law or regulation.

41     e. The Director of the Division of Taxation may issue any  
42 guidance, guidelines, or rules and regulations necessary to  
43 effectuate the purposes of this section. The rules and regulations  
44 shall be effective immediately upon filing with the Office of  
45 Administrative Law for a period not to exceed 18 months, and shall,  
46 thereafter, be amended, adopted, or readopted in accordance with

1 the provisions of the "Administrative Procedure Act," P.L.1968,  
2 c.410 (C.52:14B-1 et seq.).  
3 (cf: P.L.2021, c.371, s.3)

4

5 3. This act shall take effect immediately.

6

7

8

STATEMENT

9

10 Under current law, certain public officials and employees, such  
11 as judges and law enforcement officers, are entitled to have their  
12 home address redacted or subject to nondisclosure when a public  
13 agency has possession of such information. However, there are  
14 certain exceptions when an individual's information may still be  
15 disclosed, even if they are otherwise entitled to redaction or  
16 nondisclosure.

17 This bill would add to the list of exceptions:

18 (1) recall petitions circulated and signed in this State;

19 (2) any report of campaign contributions or expenditures filed  
20 by any individual, candidate, campaign, committee, or other entity  
21 under "The New Jersey Campaign Contributions and Expenditures  
22 Reporting Act," or any report or list of such contributions submitted  
23 by an entity seeking or holding a public contract;

24 (3) any financial disclosure statement made by a candidate for  
25 Governor; and

26 (4) any report of activities required to be submitted by a lobbyist  
27 or governmental affairs agent in this State.

28 This bill would also require the director of the Office of  
29 Information Privacy to identify and display all exceptions on the  
30 secure portal where individuals can request the redaction or  
31 nondisclosure of their information.