

[First Reprint]

**SENATE, No. 2930**

**STATE OF NEW JERSEY**

**221st LEGISLATURE**

INTRODUCED MARCH 4, 2024

**Sponsored by:**

**Senator PAUL A. SARLO**

**District 36 (Bergen and Passaic)**

**Senator ANTHONY M. BUCCO**

**District 25 (Morris and Passaic)**

**SYNOPSIS**

Makes various changes to process for access to government records; appropriates \$8 million.

**CURRENT VERSION OF TEXT**

As reported by the Senate Budget and Appropriations Committee on March 11, 2024, with amendments.



**(Sponsorship Updated As Of: 4/8/2024)**

1 AN ACT concerning access to government records, amending and  
2 supplementing various parts of the statutory law, and making an  
3 appropriation.

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.1963, c.73 (C.47:1A-1) is amended to read  
9 as follows:

10 1. The Legislature finds and declares it to be the public policy  
11 of this State that:

12 government records shall be readily accessible for inspection,  
13 copying, or examination by the citizens of this State, with certain  
14 exceptions, for the protection of the public interest, and any  
15 limitations on the right of access accorded by P.L.1963, c.73  
16 (C.47:1A-1 et seq.) as amended and supplemented, shall be  
17 construed in favor of the public's right of access;

18 all government records shall be subject to public access unless  
19 exempt from such access by: P.L.1963, c.73 (C.47:1A-1 et seq.) as  
20 amended and supplemented; any other statute; resolution of either  
21 or both houses of the Legislature; regulation promulgated under the  
22 authority of any statute or Executive Order of the Governor;  
23 Executive Order of the Governor; Rules of Court; any federal law,  
24 federal regulation, or federal order;

25 a public agency has a responsibility and an obligation to  
26 safeguard from public access a citizen's personal information with  
27 which it has been entrusted, or information that might reasonably  
28 lead to disclosure of a person's personal information, when  
29 disclosure thereof would violate the citizen's reasonable expectation  
30 of privacy, or when the public agency has reason to believe that  
31 disclosure of such personal information may result in harassment,  
32 unwanted solicitation, identity theft, or opportunities for other  
33 criminal acts; and

34 nothing contained in P.L.1963, c.73 (C.47:1A-1 et seq.), as  
35 amended and supplemented, shall be construed as affecting in any  
36 way the common law right of access to any record, including but  
37 not limited to criminal investigatory records of a law enforcement  
38 agency.

39 (cf: P.L.2001, c.404, s.1)

40

41 2. Section 1 of P.L.1995, c.23 (C.47:1A-1.1) is amended to  
42 read as follows:

43 1. As used in P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and  
44 supplemented:

45 "Biotechnology" means any technique that uses living  
46 organisms, or parts of living organisms, to make or modify

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SBA committee amendments adopted March 11, 2024.

1 products, to improve plants or animals, or to develop micro-  
2 organisms for specific uses; including the industrial use of  
3 recombinant DNA, cell fusion, and novel bioprocessing techniques.

4 "Child protective investigator in the Division of Child Protection  
5 and Permanency" means an employee of the Division of Child  
6 Protection and Permanency in the Department of Children and  
7 Families whose primary duty is to investigate reports of child abuse  
8 and neglect, or any other employee of the Department of Children  
9 and Families whose duties include investigation, response to, or  
10 review of allegations of child abuse and neglect.

11 "Commercial purpose" means the direct or indirect use of any  
12 part of a government record for sale, resale, solicitation, rent or  
13 lease of a service, or any use by which the user expects a profit  
14 either through commission, salary, or fee. "Commercial purpose"  
15 shall not include using, distributing, gathering, procuring,  
16 transmitting, compiling, editing, disseminating, or publishing of  
17 information or data by the news media, or any parent company,  
18 subsidiary, or affiliate of any news media, as defined by section 2 of  
19 P.L.1977, c.253 (C.2A:84A-21a), or by any news, journalistic,  
20 educational, scientific, scholarly, or governmental organization, or  
21 by any person authorized to act on behalf of a candidate committee,  
22 joint candidate committee, political committee, continuing political  
23 committee, political party committee, or legislative leadership  
24 committee, as defined by section 3 of P.L.1973, c.83 (C.19:44A-3),  
25 registered with the New Jersey Election Law Enforcement  
26 Commission.

27 "Constituent" means any State resident or other person  
28 communicating with a member of the Legislature.

29 "Criminal investigatory record" means a record which is not  
30 required by law to be made, maintained or kept on file that is held  
31 by a law enforcement agency which pertains to any criminal  
32 investigation or related civil enforcement proceeding.

33 "Custodian of a government record" or "custodian" means in the  
34 case of a municipality, the municipal clerk and in the case of any  
35 other public agency, the officer officially designated by formal  
36 action of that agency's director or governing body, as the case may  
37 be.

38 "Data broker" means a business that knowingly collects and sells  
39 to third parties the personal information of a consumer with whom  
40 the business does not have a direct relationship.

41 "Government record" or "record" means any paper, written or  
42 printed book, document, drawing, map, plan, photograph,  
43 microfilm, data processed or image processed document,  
44 information stored or maintained electronically or by sound-  
45 recording or in a similar device, or any copy thereof, that has been  
46 made, maintained or kept on file in the course of his or its official  
47 business by any officer, commission, agency or authority of the  
48 State or of any political subdivision thereof, including subordinate  
49 boards thereof, or that has been received in the course of his or its

1 official business by any such officer, commission, agency, or  
2 authority of the State or of any political subdivision thereof,  
3 including subordinate boards thereof. The terms shall not include  
4 inter-agency or intra-agency advisory, consultative, **[or]**  
5 deliberative, or draft material, including notes generated and used to  
6 prepare final reports, documents, or records.

7 A government record shall not include the following information  
8 which is deemed to be confidential for the purposes of P.L.1963,  
9 c.73 (C.47:1A-1 et seq.) as amended and supplemented:

10 information received by a member of the Legislature from a  
11 constituent or information held by a member of the Legislature  
12 concerning a constituent, including, but not limited to, information  
13 in written form or contained in any e-mail or computer data base, or  
14 in any telephone record whatsoever, unless it is information the  
15 constituent is required by law to transmit;

16 any memorandum, correspondence, notes, report or other  
17 communication prepared by, or for, the specific use of a member of  
18 the Legislature in the course of the member's official duties, except  
19 that this provision shall not apply to an otherwise publicly-  
20 accessible report which is required by law to be submitted to the  
21 Legislature or its members;

22 any copy, reproduction or facsimile of any photograph, negative  
23 or print, including instant photographs and videotapes of the body,  
24 or any portion of the body, of a deceased person, taken by or for the  
25 medical examiner at the scene of death or in the course of a post  
26 mortem examination or autopsy made by or caused to be made by  
27 the medical examiner except:

28 when used in a criminal action or proceeding in this State which  
29 relates to the death of that person,

30 for the use as a court of this State permits, by order after good  
31 cause has been shown and after written notification of the request  
32 for the court order has been served at least five days before the  
33 order is made upon the county prosecutor for the county in which  
34 the post mortem examination or autopsy occurred,

35 for use in the field of forensic pathology or for use in medical or  
36 scientific education or research, or

37 for use by any law enforcement agency in this State or any other  
38 state or federal law enforcement agency;

39 criminal investigatory records;

40 the portion of any criminal record concerning a person's  
41 detection, apprehension, arrest, detention, trial or disposition for  
42 unlawful manufacturing, distributing, or dispensing, or possessing  
43 or having under control with intent to manufacture, distribute, or  
44 dispense, marijuana or hashish in violation of paragraph (11) of  
45 subsection b. of N.J.S.2C:35-5, or a lesser amount of marijuana or  
46 hashish in violation of paragraph (12) of subsection b. of that  
47 section, or a violation of either of those paragraphs and a violation  
48 of subsection a. of section 1 of P.L.1987, c.101 (C.2C:35-7) or  
49 subsection a. of section 1 of P.L.1997, c.327 (C.2C:35-7.1) for

1 distributing, dispensing, or possessing, or having under control with  
2 intent to distribute or dispense, on or within 1,000 feet of any  
3 school property, or on or within 500 feet of the real property  
4 comprising a public housing facility, public park, or public  
5 building, or for obtaining, possessing, using, being under the  
6 influence of, or failing to make lawful disposition of marijuana or  
7 hashish in violation of paragraph (3) or (4) of subsection a., or  
8 subsection b., or subsection c. of N.J.S.2C:35-10, or for a violation  
9 of any of those provisions and a violation of N.J.S.2C:36-2 for  
10 using or possessing with intent to use drug paraphernalia with that  
11 marijuana or hashish;

12 victims' records, except that a victim of a crime shall have access  
13 to the victim's own records;

14 any written request by a crime victim for a record to which the  
15 victim is entitled to access as provided in this section, including,  
16 but not limited to, any law enforcement agency report, domestic  
17 violence offense report, and temporary or permanent restraining  
18 order;

19 personal firearms records, except for use by any person  
20 authorized by law to have access to these records or for use by any  
21 government agency, including any court or law enforcement  
22 agency, for purposes of the administration of justice;

23 personal identifying information received by the Division of Fish  
24 and Wildlife in the Department of Environmental Protection in  
25 connection with the issuance of any license authorizing hunting  
26 with a firearm<sup>1</sup>. For the purposes of this paragraph, personal  
27 identifying information shall include, but not be limited to, identity,  
28 name, address, social security number, telephone number, fax  
29 number, driver's license number, email address, or social media  
30 address of any applicant or licensee<sup>2</sup>;

31 trade secrets and proprietary commercial or financial information  
32 obtained from any source. For the purposes of this paragraph, trade  
33 secrets shall include <sup>3</sup> **[data processing]** software, applications, and  
34 code obtained by a public body under a licensing agreement which  
35 prohibits its disclosure;

36 any record within the attorney-client privilege. This paragraph  
37 shall not be construed as exempting from access attorney or  
38 consultant bills or invoices except that such bills or invoices may be  
39 redacted to remove any information protected by the attorney-client  
40 privilege;

41 administrative or technical information regarding computer  
42 hardware, tablets, telephones, and devices, or software,  
43 applications, and networks <sup>4</sup> **[which, if disclosed, would jeopardize**  
44 **computer security]** , or related technologies;

45 emergency or security information or procedures for any  
46 buildings or facility which, if disclosed, would jeopardize security  
47 of the building or facility or persons therein;

- 1 security measures and surveillance techniques which, if
- 2 disclosed, would create a risk to the safety of persons, property,
- 3 electronic data or software;
- 4 security alarm system activity and access reports, including
- 5 video footage, for any public building, facility, or grounds unless
- 6 the request identifies a specific incident that occurred, a specific
- 7 date, and a limited time period at a particular public building,
- 8 facility, or grounds;
- 9 information which, if disclosed, would give an advantage to
- 10 competitors or bidders, including detailed or itemized cost estimates
- 11 prior to bid opening;
- 12 information generated by or on behalf of public employers or
- 13 public employees in connection with any sexual harassment
- 14 complaint filed with a public employer or with any grievance filed
- 15 by or against an individual or in connection with collective
- 16 negotiations, including documents and statements of strategy or
- 17 negotiating position;
- 18 information related to strategies or negotiating positions that
- 19 would unfairly prejudice or impair contract negotiations;
- 20 information which is a communication between a public agency
- 21 and its insurance carrier, administrative service organization or risk
- 22 management office;
- 23 information which is to be kept confidential pursuant to court
- 24 order;
- 25 any copy of form DD-214, NGB-22, or that form, issued by the
- 26 United States Government, or any other certificate of honorable
- 27 discharge, or copy thereof, from active service or the reserves of a
- 28 branch of the Armed Forces of the United States, or from service in
- 29 the organized militia of the State, that has been filed by an
- 30 individual with a public agency, except that a veteran or the
- 31 veteran's spouse or surviving spouse shall have access to the
- 32 veteran's own records;
- 33 any copy of an oath of allegiance, oath of office or any
- 34 affirmation taken upon assuming the duties of any public office, or
- 35 that oath or affirmation, taken by a current or former officer or
- 36 employee in any public office or position in this State or in any
- 37 county or municipality of this State, including members of the
- 38 Legislative Branch, Executive Branch, Judicial Branch, and all law
- 39 enforcement entities, except that the full name, title, and oath date
- 40 of that person contained therein shall not be deemed confidential;
- 41 that portion of any document which discloses the social security
- 42 number, credit card number, **[unlisted]** debit card number, bank
- 43 account information, month and day of birth, email address, any
- 44 telephone number, or driver license number of any person, or, in
- 45 accordance with section 2 of P.L.2021, c.371 (C.47:1B-2), that
- 46 portion of any document which discloses the home address, whether
- 47 a primary or secondary residence, of any active, formerly active, or
- 48 retired judicial officer, law enforcement officer, child protective
- 49 investigator in the Division of Child Protection and Permanency, or

1 prosecutor, or, as defined in section 1 of P.L.2021, c.371 (C.47:1B-  
2 1), any immediate family member thereof; except for use by any  
3 government agency, including any court or law enforcement  
4 agency, in carrying out its functions, or any private person or entity  
5 acting on behalf thereof, or any private person or entity seeking to  
6 enforce payment of court-ordered child support; except with respect  
7 to the disclosure of driver information by the New Jersey Motor  
8 Vehicle Commission as permitted by section 2 of P.L.1997, c.188  
9 (C.39:2-3.4); except with respect to the disclosure of information  
10 included in records and documents maintained by the Department of  
11 the Treasury in connection with the State's business registry  
12 programs; and except that a social security number contained in a  
13 record required by law to be made, maintained or kept on file by a  
14 public agency shall be disclosed when access to the document or  
15 disclosure of that information is not otherwise prohibited by State  
16 or federal law, regulation or order or by State statute, resolution of  
17 either or both houses of the Legislature, Executive Order of the  
18 Governor, rule of court or regulation promulgated under the  
19 authority of any statute or executive order of the Governor;

20 that portion of any document that discloses the personal  
21 identifying information of any person provided to a public agency  
22 for the sole purpose of receiving official notifications;

23 a list of persons identifying themselves as being in need of  
24 special assistance in the event of an emergency maintained by a  
25 municipality for public safety purposes pursuant to section 1 of  
26 P.L.2017, c.266 (C.40:48-2.67), and their personal identifying  
27 information; [and]

28 a list of persons identifying themselves as being in need of  
29 special assistance in the event of an emergency maintained by a  
30 county for public safety purposes pursuant to section 6 of P.L.2011,  
31 c.178 (C.App.A:9-43.13), and their personal identifying  
32 information;

33 that portion of any document that requires and would disclose  
34 personal identifying information of persons under the age of 18  
35 years, including names, except with respect to the disclosure of  
36 driver information by the New Jersey Motor Vehicle Commission  
37 as permitted by section 2 of P.L.1997, c.188 (C.39:2-3.4) or the  
38 disclosure of driver information to any insurer or insurance support  
39 organization, or a self-insured entity, or its agents, employees, or  
40 contractors, for use in connection with claims investigation  
41 activities, antifraud activities, rating, or underwriting, and except  
42 with respect to the disclosure of voter information on voter and  
43 election records pursuant to section 11 of P.L. , c. (C.) (pending  
44 before the Legislature as this bill);

45 personal identifying information disclosed on domestic animal  
46 permits, licenses, and registration;

47 structured reference data that helps to sort and identify attributes  
48 of the information it describes, referred to as metadata, or any  
49 extrapolation or compilation thereof;

1 New Jersey State Firemen's Association financial relief  
2 applications;  
3 owner and maintenance manuals;  
4 data classified under the "Health Insurance Portability and  
5 Accountability Act of 1996," Pub.L.104-191;  
6 logs of telephone calls, emails, or texts; and  
7 electronic or paper calendars for individuals.

8 A government record shall not include, with regard to any public  
9 institution of higher education, the following information which is  
10 deemed to be privileged and confidential:

11 pedagogical, scholarly and/or academic research records and/or  
12 the specific details of any research project conducted under the  
13 auspices of a public higher education institution in New Jersey,  
14 including, but not limited to, research, development information,  
15 testing procedures, or information regarding test participants,  
16 related to the development or testing of any pharmaceutical or  
17 pharmaceutical delivery system, except that a custodian may not  
18 deny inspection of a government record or part thereof that gives  
19 the name, title, expenditures, source and amounts of funding and  
20 date when the final project summary of any research will be  
21 available;

22 test questions, scoring keys and other examination data  
23 pertaining to the administration of an examination for employment  
24 or academic examination;

25 records of pursuit of charitable contributions or records  
26 containing the identity of a donor of a gift if the donor requires non-  
27 disclosure of the donor's identity as a condition of making the gift  
28 provided that the donor has not received any benefits of or from the  
29 institution of higher education in connection with such gift other  
30 than a request for memorialization or dedication;

31 valuable or rare collections of books or documents obtained by  
32 gift, grant, bequest or devise conditioned upon limited public  
33 access;

34 information contained on individual admission applications; and  
35 information concerning student records or grievance or  
36 disciplinary proceedings against a student to the extent disclosure  
37 would reveal the identity of the student.

38 "Judicial officer" means any active, formerly active, or retired  
39 federal, state, county, or municipal judge, including a judge of the  
40 Tax Court and any other court of limited jurisdiction established,  
41 altered, or abolished by law, a judge of the Office of Administrative  
42 Law, a judge of the Division of Workers' Compensation, and any  
43 other judge established by law who serves in the executive branch.

44 "Law enforcement agency" means a public agency, or part  
45 thereof, determined by the Attorney General to have law  
46 enforcement responsibilities.

47 "Law enforcement officer" means a person whose public duties  
48 include the power to act as an officer for the detection,



1 apprehension, arrest, and conviction of offenders against the laws of  
2 this State.

3 "Member of the Legislature" means any person elected or  
4 selected to serve in the New Jersey Senate or General Assembly.

5 "Personal firearms record" means any information contained in a  
6 background investigation conducted by the chief of police, the  
7 county prosecutor, or the Superintendent of State Police, of any  
8 applicant for a permit to purchase a handgun, firearms identification  
9 card license, or firearms registration; any application for a permit to  
10 purchase a handgun, firearms identification card license, or firearms  
11 registration; any document reflecting the issuance or denial of a  
12 permit to purchase a handgun, firearms identification card license,  
13 or firearms registration; and any permit to purchase a handgun,  
14 firearms identification card license, or any firearms license,  
15 certification, certificate, form of register, or registration statement.  
16 For the purposes of this paragraph, information contained in a  
17 background investigation shall include, but not be limited to,  
18 identity, name, address, social security number, [phone] telephone  
19 number, fax number, driver's license number, email address, or  
20 social media address of any applicant, licensee, registrant or permit  
21 holder.

22 "Personal identifying information" means information that may  
23 be used, alone or in conjunction with any other information, to  
24 identify a specific individual. For purposes of this act, personal  
25 identifying information shall include, but shall not be limited to, the  
26 following data elements: name, social security number, credit card  
27 number, debit card number, bank account information, month and  
28 day of birth, email address, any telephone number, the street  
29 address portion of any person's primary or secondary home address,  
30 or driver license number of any person.

31 "Public agency" or "agency" means any of the principal  
32 departments in the Executive Branch of State Government, and any  
33 division, board, bureau, office, commission or other instrumentality  
34 within or created by such department; the Legislature of the State  
35 and any office, board, bureau or commission within or created by  
36 the Legislative Branch; and any independent State authority,  
37 commission, instrumentality or agency. The terms also mean any  
38 political subdivision of the State or combination of political  
39 subdivisions, and any division, board, bureau, office, commission or  
40 other instrumentality within or created by a political subdivision of  
41 the State or combination of political subdivisions, and any  
42 independent authority, commission, instrumentality or agency  
43 created by a political subdivision or combination of political  
44 subdivisions.

45 "Victim of a crime" means a person who has suffered personal or  
46 psychological injury or death or incurs loss of or injury to personal  
47 or real property as a result of a crime, or if such a person is  
48 deceased or incapacitated, a member of that person's immediate  
49 family.

1 "Victim's record" means an individually identifiable file or  
2 document held by a victims' rights agency which pertains directly to  
3 a victim of a crime except that a victim of a crime shall have access  
4 to the victim's own records.

5 "Victims' rights agency" means a public agency, or part thereof,  
6 the primary responsibility of which is providing services, including,  
7 but not limited to, food, shelter, or clothing, medical, psychiatric,  
8 psychological or legal services or referrals, information and referral  
9 services, counseling and support services, or financial services to  
10 victims of crimes, including victims of sexual assault, domestic  
11 violence, violent crime, child endangerment, child abuse or child  
12 neglect, and the Victims of Crime Compensation Board, established  
13 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as  
14 the Victims of Crime Compensation Office pursuant to P.L.2007,  
15 c.95 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.  
16 (cf: P.L.2023, c.113, s.1)

17  
18 3. Section 6 of P.L.2001, c.404 (C.47:1A-5) is amended to read as  
19 follows:

20 6. a. The custodian of a government record shall permit the record  
21 to be inspected, examined, and copied by any person during regular  
22 business hours; or in the case of a municipality having a population of  
23 5,000 or fewer according to the most recent federal decennial census, a  
24 board of education having a total district enrollment of 500 or fewer,  
25 or a public authority having less than \$10 million in assets, during not  
26 less than six regular business hours over not less than three business  
27 days per week or the entity's regularly-scheduled business hours,  
28 whichever is less; unless a government record is exempt from public  
29 access by: P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and  
30 supplemented; any other statute; resolution of either or both houses of  
31 the Legislature; regulation promulgated under the authority of any  
32 statute or Executive Order of the Governor; Executive Order of the  
33 Governor; Rules of Court; any federal law; federal regulation; or  
34 federal order. Prior to allowing access to any government record, the  
35 custodian thereof shall redact from that record any information which  
36 discloses the social security number, credit card number, **[unlisted]**  
37 telephone number, or driver license number of any person, or, in  
38 accordance with section 2 of P.L.2021, c.371 (C.47:1B-2), the home  
39 address, whether a primary or secondary residence, of any active,  
40 formerly active, or retired judicial officer, prosecutor, law enforcement  
41 officer, or child protective investigator in the Division of Child  
42 Protection and Permanency, or, as defined in section 1 of P.L.2021,  
43 c.371 (C.47:1B-1), any immediate family member thereof; except for  
44 use by any government agency, including any court or law  
45 enforcement agency, in carrying out its functions, or any private  
46 person or entity acting on behalf thereof, or any private person or  
47 entity seeking to enforce payment of court-ordered child support;  
48 except with respect to the disclosure of driver information by the New  
49 Jersey Motor Vehicle Commission as permitted by section 2 of

1 P.L.1997, c.188 (C.39:2-3.4); and except that a social security number  
2 contained in a record required by law to be made, maintained or kept  
3 on file by a public agency shall be disclosed when access to the  
4 document or disclosure of that information is not otherwise prohibited  
5 by State or federal law, regulation or order or by State statute,  
6 resolution of either or both houses of the Legislature, Executive Order  
7 of the Governor, rule of court or regulation promulgated under the  
8 authority of any statute or executive order of the Governor. Prior to  
9 allowing access to any government record, the custodian shall redact  
10 from that record any information which discloses, or which might  
11 reasonably lead to disclosure of the telephone number, email address,  
12 or any medical, financial, or personal information of a member of the  
13 public when the disclosure thereof would violate the citizen's  
14 reasonable expectation of privacy or when the public agency has a  
15 reason to believe that disclosure of such personal information may  
16 result in harassment, unwanted solicitation, identity theft, or  
17 opportunities for other criminal acts. Except where an agency can  
18 demonstrate an emergent need, a regulation that limits access to  
19 government records shall not be retroactive in effect or applied to deny  
20 a request for access to a government record that is pending before the  
21 agency, the council or a court at the time of the adoption of the  
22 regulation.

23 b. (1) A copy or copies of a government record may be purchased  
24 by any person upon payment of the fee prescribed by law or  
25 regulation.

26 Except as otherwise provided by law or regulation and except as  
27 provided in paragraph (2) of this subsection, the fee assessed for the  
28 duplication of a government record embodied in the form of printed  
29 matter shall be \$0.05 per letter size page or smaller, and \$0.07 per  
30 legal size page or larger. **【**If a public agency can demonstrate that its  
31 actual costs for duplication of a government record exceed the  
32 foregoing rates, the public agency shall be permitted to charge the  
33 actual cost of duplicating the record. The actual cost of duplicating the  
34 record, upon which all copy fees are based, shall be the cost of  
35 materials and supplies used to make a copy of the record, but shall not  
36 include the cost of labor or other overhead expenses associated with  
37 making the copy except as provided for in subsection c. of this  
38 section.**】** Access to electronic records and non-printed materials shall  
39 be provided free of charge , but the public agency may charge for the  
40 actual costs of any needed supplies such as computer discs. No fee  
41 shall be charged if the request is completed by directing the requestor  
42 to the requested government record that is available on the public  
43 agency's website or the website of another public agency.

44 (2) No fee shall be charged to a victim of a crime for a copy or  
45 copies of a record to which the crime victim is entitled to access, as  
46 provided in section 1 of P.L.1995, c.23 (C.47:1A-1.1).

47 c. Whenever the nature, format, manner of collation, or volume of  
48 a government record embodied in the form of printed matter to be  
49 inspected, examined, or copied pursuant to this section is such that the

1 record cannot be reproduced by ordinary document copying equipment  
2 in ordinary business size or involves an extraordinary expenditure of  
3 time and effort to accommodate the request, the public agency may  
4 charge, in addition to the actual cost of duplicating the record, a  
5 special service charge that **[shall be reasonable and]** shall be based  
6 upon the actual direct cost of providing the copy or copies **;** provided,  
7 however, that in the case of a municipality, rates for the duplication of  
8 particular records when the actual cost of copying exceeds the  
9 foregoing rates shall be established in advance by ordinance**], and**  
10 such special service charge shall be presumed to be reasonable.

11 The requestor shall have the opportunity to review and object to  
12 **[the]** any fee or charge prior to it being incurred.

13 d. A custodian shall permit access to a government record and  
14 provide a copy thereof in the medium or format requested if the public  
15 agency maintains the record in that medium or format. If the public  
16 agency does not maintain the record in the medium or format  
17 requested, the custodian **[shall]**, at the custodian's discretion, may  
18 either convert the record to the medium or format requested or provide  
19 a copy in some other meaningful medium or format. **[If a request is**  
20 **for a record: (1) in a medium not routinely used by the agency; (2) not**  
21 **routinely developed or maintained by an agency; or (3) requiring a**  
22 **substantial amount of manipulation or programming of information**  
23 **technology, the agency may charge, in addition to the actual cost of**  
24 **duplication, a special charge that shall be reasonable and shall be**  
25 **based on the cost for any extensive use of information technology, or**  
26 **for the labor cost of personnel providing the service, that is actually**  
27 **incurred by the agency or attributable to the agency for the**  
28 **programming, clerical, and supervisory assistance required, or both.]**  
29 If the public agency does not maintain the record in the electronic  
30 medium or format requested, the custodian shall be under no  
31 obligation to convert the record to the electronic medium or format  
32 requested but shall, at a minimum, provide a copy in the format  
33 maintained by the public agency.

34 e. Immediate access ordinarily shall be granted to budgets, bills,  
35 vouchers, contracts, including collective negotiations agreements and  
36 individual employment contracts, and public employee salary and  
37 overtime information. Immediate access to government records shall  
38 not be required to be granted for documents over 12 months old.

39 Government records shall be made available to the public on a  
40 publicly available website to the extent feasible. A public agency may  
41 enter into shared services agreements for providing certain government  
42 records electronically.

43 If the government record is readily available on a public agency's  
44 website, the custodian may require the requestor to obtain the record  
45 from the website, which shall contain a search bar feature on its home  
46 page. The custodian shall provide the requestor with directions to  
47 assist in finding the record on the website, including providing the  
48 website URL address and the location on the website of the search bar,

1 menu button, tab, link, landing page or equivalent, which contains the  
2 requested record. <sup>1</sup>【The request shall be deemed fulfilled upon  
3 notification by the custodian to the requestor of the availability and  
4 location on the website of the requested information.】 If the requestor  
5 does not respond to the custodian within seven days of the custodian  
6 providing information about a record on the public agency's website,  
7 the request shall be deemed fulfilled. If, after the custodian has  
8 provided instructions on how to find a record on a public agency's  
9 website, the requestor is unable to find the record upon making a good  
10 faith effort to locate the record on the website, the requestor shall  
11 notify the custodian within seven days of the custodian providing the  
12 information. Upon receiving such a request for assistance from a  
13 requestor, the custodian shall make a reasonable attempt to assist the  
14 requestor in finding the record on the website within seven days of the  
15 requestor notifying the custodian.<sup>1</sup>

16 f. The custodian of a public agency shall adopt a form for the use  
17 of any person who requests access to a government record held or  
18 controlled by the public agency. The form shall provide space for the  
19 name, address, email address and **【phone】** telephone number of the  
20 requestor and a brief description of the government record sought. A  
21 request shall be submitted by a requestor in the form adopted by the  
22 custodian and the custodian may deny a request that is not submitted in  
23 the form adopted by the custodian. A request may be submitted  
24 anonymously provided, however, that anonymous requestors shall not  
25 be permitted to institute proceedings pursuant to section 7 of P.L.2001,  
26 c.404 (C.47:1A-6).

27 The form also shall include space for a requestor to certify whether  
28 the government record will be used by that requestor or another person  
29 for a commercial purpose, and the requestor shall be required to  
30 provide this information for the request to be fulfilled.

31 All requests by a data broker or a requestor who is making a  
32 request on behalf of and for the use of a data broker shall be denied.  
33 The form also shall include space for a requestor to certify that the  
34 requestor is not a data broker or is not making the request on behalf of  
35 or for the use of a data broker, and the requestor shall be required to  
36 provide this information for the request to be fulfilled.

37 Data obtained through a records request shall not be sold.

38 The form shall include space for the custodian to indicate which  
39 record will be made available, when the record will be available, and  
40 the fees to be charged. The form shall also include the following: (1)  
41 specific directions and procedures for requesting a record; (2) a  
42 statement as to whether prepayment of fees or a deposit is required; (3)  
43 the time period within which the public agency is required by  
44 P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented, to  
45 make the record available; (4) a statement of the requestor's right to  
46 challenge a decision by the public agency to deny access and the  
47 procedure for filing an appeal; (5) space for the custodian to list  
48 reasons if a request is denied in whole or in part; (6) space for the

1 requestor to sign and date the form; (7) space for the custodian to sign  
2 and date the form if the request is fulfilled or denied. The custodian  
3 may require a deposit against costs for reproducing documents sought  
4 through an anonymous a request whenever the custodian anticipates  
5 that the information thus requested will cost in excess of \$5 to  
6 reproduce.

7 Custodians shall provide directions on how to submit requests for  
8 government records, including any required forms, on the public  
9 agency's website.

10 Custodians shall be permitted to provide an electronic response to  
11 any electronic records request if government records are available  
12 electronically.

13 g. A request for access to a government record shall be in writing  
14 and hand-delivered, mailed, transmitted electronically, or otherwise  
15 conveyed to the appropriate custodian. A public agency may make  
16 available to the public on its website an online form, portal, or  
17 software for transmitting requests electronically. A custodian shall  
18 promptly comply with a request to inspect, examine, copy, or provide  
19 a copy of a government record. If the custodian is unable to comply  
20 with a request for access, the custodian shall indicate the specific basis  
21 therefor on the request form and promptly return it to the requestor.  
22 The custodian shall sign and date the form and provide the requestor  
23 with a copy thereof. If the custodian of a government record asserts  
24 that part of a particular record is exempt from public access pursuant  
25 to P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented,  
26 the custodian shall delete or excise from a copy of the record that  
27 portion which the custodian asserts is exempt from access and shall  
28 promptly permit access to the remainder of the record. **【If the**  
29 **government record requested is temporarily unavailable because it is**  
30 **in use or in storage, the custodian shall so advise the requestor and**  
31 **shall make arrangements to promptly make available a copy of the**  
32 **record.】** If a request for access to a government record would  
33 substantially disrupt agency operations, the custodian may deny access  
34 to the record after attempting to reach a reasonable solution with the  
35 requestor that accommodates the interests of the requestor and the  
36 agency.

37 A party to a legal proceeding may not request a government record  
38 if the record sought is the subject of a court order in the legal  
39 proceeding or if compliance would otherwise be unreasonable,  
40 oppressive, or duplicative of already pending discovery request made  
41 in that legal proceeding, and a custodian shall not be required to  
42 complete such a request. The requestor shall be required to certify  
43 whether the government record is being sought in connection with a  
44 legal proceeding and identify the proceeding for the request to be  
45 fulfilled. For purposes of this provision, a party to a legal proceeding  
46 shall include a party in interest, any attorney representing that party,  
47 and any person acting as an agent for or on behalf of that party.

48 A custodian shall not be required to complete a request including  
49 for, but not limited to, mail, email, text messages, correspondence, or

1 social media postings and messages, if the request does not identify  
2 specific individuals or accounts to be searched and is not confined to a  
3 discrete and limited time period and a specific subject matter, or if the  
4 custodian determines that the request would require research and the  
5 collection of information from the contents of government records and  
6 the creation of new government records setting forth that research and  
7 information.

8 h. Any officer or employee of a public agency who receives a  
9 request for access to a government record shall forward the request to  
10 the custodian of the record or direct the requestor to the custodian of  
11 the record. The request shall not be considered submitted until it is  
12 received by the custodian of records.

13 i. (1) Unless a shorter time period is otherwise provided by  
14 statute, regulation, or executive order, a custodian of a government  
15 record shall grant access to a government record or deny a request for  
16 access to a government record as soon as possible, but not later than  
17 seven business days after receiving the request, or 14 business days if  
18 the request is for a commercial purpose or if the records have to be  
19 reviewed by the public agency for the purpose of the agency's  
20 compliance with P.L.2020, c.125 (C.47:1B-1 et seq.), but the custodian  
21 shall notify the requestor of the additional response time within seven  
22 business days, provided that the record is currently available and not in  
23 storage or archived. The response time periods of seven or 14  
24 business days, as established in this subsection, shall be an additional  
25 seven business days longer if the public agency is a fire district which  
26 employs one or fewer full-time employees who serve as custodians.

27 In the event a records custodian is unable to fulfill a records  
28 request due to unforeseen circumstances or circumstances that  
29 otherwise reasonably necessitate additional time to fulfill the records  
30 request, the custodian shall be entitled to a reasonable extension of any  
31 response deadline and shall notify the requestor of the time extension  
32 within seven business days after receiving the request.

33 In the event a custodian fails to respond within seven business days  
34 or 14 business days, as appropriate, after receiving a request, the  
35 failure to respond shall be deemed a denial of the request, unless the  
36 requestor has elected not to accurately identify themselves or to  
37 provide [a name,] an accurate address, email address, or telephone  
38 number [, or other means of contacting the requestor]. If the  
39 requestor has elected not to accurately identify themselves or to  
40 provide [a name,] an accurate address, email address, or telephone  
41 number, [or other means of contacting the requestor,] the custodian  
42 shall not be required to respond until the requestor [reappears before]  
43 contacts the custodian seeking a response to the original request.

44 If the government record is in storage or archived, the requestor  
45 shall be so advised within seven or 14 business days, as appropriate,  
46 after the custodian receives the request. The requestor shall be advised  
47 by the custodian when the record can be made available, which shall  
48 be no more than 21 business days from the date the requestor is so

1 advised. If the record is not made available by that time, access shall  
2 be deemed denied.

3 A public agency shall not be considered to be in possession of a  
4 public record that is created or maintained by another public agency  
5 and made available to the public agency either by remote access to a  
6 computer network or by distribution as a courtesy copy. A records  
7 custodian of a public agency that receives a request for such a record,  
8 shall not be obligated to provide the record to the requestor and shall  
9 direct the requestor within seven business days to the public agency  
10 that, to the best of their knowledge, created or maintains the requested  
11 record, at which time the request shall be considered completed.

12 The custodian shall not be required to complete an identical  
13 request for access to a government record from the same requestor if  
14 the information has not changed.

15 A requestor shall have 14 business days to retrieve the government  
16 records following notice from the custodian that the request has been  
17 completed and the records are available.

18 (2) During a period declared pursuant to the laws of this State as a  
19 state of emergency, public health emergency, or state of local disaster  
20 emergency, the deadlines by which to respond to a request for, or grant  
21 or deny access to, a government record under paragraph (1) of this  
22 subsection or subsection e. of this section shall not apply, provided,  
23 however, that the custodian of a government record shall make a  
24 reasonable effort, as the circumstances permit, to respond to a request  
25 for access to a government record within seven business days or 14  
26 business days, as appropriate, or as soon as possible thereafter.

27 j. A custodian shall **l**post prominently in public view in the part  
28 or parts of the office or offices of the custodian that are open to or  
29 frequented by the public a statement that sets forth in clear, concise  
30 and specific terms the **l**include information on the public agency's  
31 website and public records request form regarding a requestor's right  
32 to appeal a denial of, or failure to provide, access to a government  
33 record **l**by any person for inspection, examination, or copying or for  
34 purchase of copies thereof**l** and the procedure by which an appeal may  
35 be filed, which shall include the website address and toll-free  
36 information line phone number of the Government Records Council.

37 k. The files maintained by the Office of the Public Defender that  
38 relate to the handling of any case shall be considered confidential and  
39 shall not be open to inspection by any person unless authorized by law,  
40 court order, or the State Public Defender.

41 (cf: P.L.2023, c.113, s.2)

42

43 4. Section 7 of P.L.2001, c.404 (C.47:1A-6) is amended to read as  
44 follows:

45 7. A person who is denied access to a government record by the  
46 custodian of the record, at the option of the requestor who is accurately  
47 identified by name, may, within 45 days of the date of denial:



1 institute a proceeding to challenge the custodian's decision by  
2 filing an action in Superior Court which shall be heard in the vicinage  
3 where it is filed by a Superior Court Judge who has been designated to  
4 hear such cases because of that judge's knowledge and expertise in  
5 matters relating to access to government records; or

6 in lieu of filing an action in Superior Court, file a complaint with  
7 the Government Records Council established pursuant to section 8 of  
8 P.L.2001, c.404 (C.47:1A-7).

9 The right to institute any proceeding under this section shall be  
10 solely that of the requestor. Any such proceeding shall proceed in a  
11 summary or expedited manner. The public agency shall have the  
12 burden of proving that the denial of access is authorized by law. If it is  
13 determined that access has been improperly denied, the court or  
14 **[agency head]** Government Records Council shall order that access be  
15 allowed. A requestor who prevails in any proceeding **[shall]** may be  
16 entitled to a reasonable attorney's fee. In determining whether to  
17 award attorney's fees, the court or the Government Records Council  
18 may consider whether the public agency is found to have knowingly  
19 and willfully violated P.L.1963, c.73 (C.47:1A-1 et seq.), or to have  
20 unreasonably denied access.

21 If the records sought are produced by the public agency within  
22 seven business days of service of an action in Superior Court or a  
23 complaint before the Government Records Council, <sup>1</sup>upon notification  
24 to the Superior Court or the Government Records Council,<sup>1</sup> the matter  
25 shall be dismissed without prejudice and the requestor may be entitled  
26 to a reasonable attorney's fee if the custodian knew or should have  
27 known that the denial of access violated P.L.1963, c.73 (C.47:1A-1 et  
28 seq.).

29 (cf: P.L.2001, c.404, s.7)

30  
31 5. Section 8 of P.L.2001, c.404 (C.47:1A-7) is amended to read as  
32 follows:

33 8. a. (1) There is established in the Department of Community  
34 Affairs a Government Records Council. The council shall consist of  
35 the Commissioner of Community Affairs or the commissioner's  
36 designee, **[the Commissioner of Education or the commissioner's**  
37 designee, and three public members appointed by the Governor, with  
38 the advice and consent of the Senate, not more than two of whom shall  
39 be of the same political party. The three public members shall serve  
40 during the term of the Governor making the appointment and until the  
41 appointment of a successor] who shall serve as Chair, and eight  
42 public members appointed as follows: four appointed by the Governor  
43 with the advice and consent of the Senate <sup>1</sup>, no more than two of  
44 whom shall be members of the same political party<sup>1</sup> ; two directly  
45 appointed by the Governor from persons recommended by the  
46 President of the Senate <sup>1</sup>, no more than one of whom shall be a  
47 member of the same political party<sup>1</sup> ; and two directly appointed by  
48 the Governor from persons recommended by the Speaker of the

1 General Assembly <sup>1</sup>, no more than one of whom shall be a member of  
2 the same political party<sup>1</sup>. Each public member shall serve for a term  
3 of five years and until a successor is appointed and qualified.

4 (2) Notwithstanding <sup>1</sup>any provision of subsection a. (1) of this  
5 section <sup>1</sup>the provisions of paragraph (1) of this subsection <sup>1</sup>, or any  
6 other law, rule, or regulation to the contrary, within 90 days following  
7 the enactment date of P.L. , c. (pending before the Legislature as  
8 this bill), the Governor shall directly appoint eight public members to  
9 the council, each of whom shall serve for a term of three years and  
10 until a successor is appointed and qualified, as follows: two from  
11 persons recommended by the President of the Senate, <sup>1</sup>no more than  
12 one of whom shall be a member of the same political party;<sup>1</sup> two from  
13 persons recommended by the Speaker of the General Assembly, <sup>1</sup>no  
14 more than one of whom shall be a member of the same political party;<sup>1</sup>  
15 and four appointed at the sole discretion of the Governor <sup>1</sup>, no more  
16 than two of whom shall be members of the same political party<sup>1</sup>. The  
17 terms of office of the members of the council serving on the date of  
18 enactment of P.L. , c. (pending before the Legislature as this  
19 bill), shall expire upon the Governor's direct appointment of the new  
20 members pursuant to this subsection.

21 (3) A public member shall not hold any other State or local elected  
22 or appointed office or employment while serving as a member of  
23 the council. A public member shall not receive a salary for service  
24 on the council but shall be reimbursed for reasonable and necessary  
25 expenses associated with serving on the council and may receive such  
26 per diem payment as may be provided in the annual appropriations  
27 act receive a salary equivalent to that provided by law for a public  
28 member of the Local Finance Board of the Division of Local  
29 Government Services in the Department of Community Affairs. A  
30 member may be removed by the Governor for cause. Vacancies  
31 among the public members shall be filled in the same manner in  
32 which the original appointment was made. The members of the  
33 council shall choose one of the public members to serve as the  
34 council's chair.] by appointment by the Governor, according to the  
35 provisions of subsection a. of this section, and for the remainder of the  
36 unexpired term. The council may employ an executive director and  
37 such professional and clerical staff as it deems necessary and may call  
38 upon the Department of Community Affairs for such assistance as it  
39 deems necessary and may be available to it.

40 b. The Government Records Council shall:  
41 establish an informal mediation program to facilitate the resolution  
42 of disputes regarding access to government records;  
43 receive, hear, review and adjudicate a complaint filed by any  
44 person concerning a denial of access to a government record by a  
45 records custodian;

1 issue advisory opinions, on its own initiative, as to whether a  
2 particular type of record is a government record which is accessible to  
3 the public;

4 prepare guidelines and an informational pamphlet for use by  
5 records custodians in complying with the law governing access to  
6 public records;

7 prepare an informational pamphlet explaining the public's right of  
8 access to government records and the methods for resolving disputes  
9 regarding access, which records custodians shall make available to  
10 persons requesting access to a government record;

11 prepare lists for use by records custodians of the types of records in  
12 the possession of public agencies which are government records;

13 make training opportunities available for records custodians and  
14 other public officers and employees which explain the law governing  
15 access to public records; and

16 operate an informational website and a toll-free helpline staffed by  
17 knowledgeable employees of the council during regular business hours  
18 which shall enable any person, including records custodians, to call for  
19 information regarding the law governing access to public records and  
20 allow any person to request mediation or to file a complaint with the  
21 council when access has been denied[;] .

22 In implementing the provisions of [subsections d. and e. of] this  
23 section, the council shall: act, to the maximum extent possible, at the  
24 convenience of the parties; utilize video conferencing,  
25 teleconferencing, faxing of documents, e-mail and similar forms of  
26 modern communication; conduct virtual meetings and hearings, when  
27 practical and at the discretion of the council; and when in-person  
28 meetings are necessary, send representatives to meet with the parties at  
29 a location convenient to the parties.

30 The council shall periodically review the information and format  
31 of its website and make such adjustments as shall be deemed necessary  
32 to ensure that the information is clearly presented, accessible, and  
33 useful for the general public. The council shall conduct such an initial  
34 review within six months following the effective date of P.L. , c.  
35 (pending before the Legislature as this bill).

36 c. At the request of the council, a public agency shall produce  
37 documents and ensure the attendance of witnesses with respect to the  
38 council's investigation of any complaint or the holding of any hearing.

39 d. Upon receipt of a written complaint signed by any person  
40 alleging that a custodian of a government record has improperly  
41 denied that person access to a government record, the council shall  
42 offer the parties the opportunity to resolve the dispute through  
43 mediation. Mediation shall enable a person who has been denied  
44 access to a government record and the public agency that employs the  
45 records custodian who denied or failed to provide access thereto to  
46 attempt to mediate the dispute through a process whereby a neutral  
47 mediator, who shall be trained in mediation selected by the council,  
48 acts to encourage and facilitate the resolution of the dispute.  
49 Mediation shall be an informal, nonadversarial process having the

1 objective of helping the parties reach a mutually acceptable, voluntary  
2 agreement. The mediator shall assist the parties in identifying issues,  
3 foster joint problem solving, and explore settlement alternatives.

4 e. If any party declines mediation or if mediation fails to resolve  
5 the matter to the satisfaction of all parties, the council shall initiate an  
6 investigation concerning the facts and circumstances set forth in the  
7 complaint. The council shall make a determination as to whether the  
8 complaint is within its jurisdiction or frivolous or without any  
9 reasonable factual basis. The council may assign staff attorneys to  
10 conduct the investigation, present findings, and make  
11 recommendations to the council. If the council shall conclude that the  
12 complaint is outside its jurisdiction, frivolous, or without factual basis,  
13 it shall reduce that conclusion to writing and transmit a copy thereof to  
14 the complainant and to the public agency that employs the records  
15 custodian against whom the complaint was filed. Otherwise, the  
16 council shall notify the public agency that employs the records  
17 custodian against whom the complaint was filed of the nature of the  
18 complaint and the facts and circumstances set forth therein. The  
19 public agency that employs the records custodian shall have the  
20 opportunity to present the board with any statement or information  
21 concerning the complaint which the **【custodian】** agency wishes. If the  
22 council is able to make a determination as to a record's accessibility  
23 based upon the complaint and the **【custodian's】** agency's response  
24 thereto, it shall reduce that conclusion to writing and transmit a copy  
25 thereof to the complainant and to the public agency that employs the  
26 records custodian against whom the complaint was filed. If the  
27 council is unable to make a determination as to a record's accessibility  
28 based upon the complaint and the **【custodian's】** agency's response  
29 thereto, the council shall conduct a hearing on the matter in conformity  
30 with the rules and regulations provided for hearings by a State agency  
31 in contested cases under the "Administrative Procedure Act,"  
32 P.L.1968, c.410 (C.52:14B-1 et seq.), insofar as they may be  
33 applicable and practicable. The council shall, by a majority vote of its  
34 members, render a decision as to whether the record which is the  
35 subject of the complaint is a government record which must be made  
36 available for public access pursuant to P.L.1963, c.73 (C.47:1A-1 et  
37 seq.) as amended and supplemented. If the council determines, by a  
38 majority vote of its members, that a custodian **【has】** is found to have  
39 knowingly and willfully violated P.L.1963, c.73 (C.47:1A-1 et seq.),  
40 as amended and supplemented, and **【is found】** to have unreasonably  
41 denied access under the totality of the circumstances, the council may  
42 impose the penalties provided for in section 12 of P.L.2001, c.404  
43 (C.47:1A-11) on the public agency that employs the custodian. A  
44 decision of the council may be appealed to the Appellate Division of  
45 the Superior Court. Such appeals shall be filed within 30 days from  
46 the date the council renders a decision. A decision of the council shall  
47 not have value as a precedent for any case initiated in Superior Court  
48 pursuant to section 7 of P.L.2001, c.404 (C.47:1A-6). All proceedings

1 of the council pursuant to this subsection shall be conducted as  
2 expeditiously as possible.

3 Beginning 18 months following the effective date of  
4 P.L. , c. (pending before the Legislature as this bill), the council  
5 shall adjudicate all complaints that come before it within 90 days of  
6 the complaint's filing, with the ability to extend for 30 days for good  
7 cause, exclusive of any time period during which the parties are  
8 engaged in a mediation process pursuant to this section. The council  
9 shall make such organizational adjustments and modify its procedures  
10 as it deems necessary to ensure that complaints are adjudicated in such  
11 a timeframe.

12 f. The council shall not charge any party a fee in regard to actions  
13 filed with the council. The council shall be subject to the provisions of  
14 the "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6), except  
15 that the council may go into closed session during that portion of any  
16 proceeding during which the contents of a contested record would be  
17 disclosed. **【A requestor who prevails in any proceeding shall be**  
18 **entitled to a reasonable attorney's fee.】**

19 g. The council shall not have jurisdiction over the Judicial or  
20 Legislative Branches of State Government or any agency, officer, or  
21 employee of those branches.

22 (cf: P.L.2001, c.404, s.8)

23

24 6. Section 12 of P.L.2001, c.404 (C.47:1A-11) is amended to  
25 read as follows:

26 12. a. **【A】** If a public official, officer, employee, or custodian  
27 **【who】 is found to have** knowingly and willfully **【violates】** violated  
28 P.L.1963, c.73 (C.47:1A-1 et seq.), as amended and supplemented,  
29 and **【is found】** to have unreasonably denied access under the  
30 totality of the circumstances, the public agency that employs the  
31 custodian, officer, employee, or official shall be subject to a civil  
32 penalty of \$1,000 for an initial violation, \$2,500 for a second  
33 violation that occurs within 10 years of an initial violation, and  
34 \$5,000 for a third violation that occurs within 10 years of an initial  
35 violation. **【This penalty】** The penalties authorized pursuant to this  
36 subsection may be imposed by the courts or by the Government  
37 Records Council.

38 b. A requestor who is found to have sold the data obtained by a  
39 records request, who is found to have intentionally failed to certify  
40 that a records request is for a commercial purpose, who is a data  
41 broker, or who is making the request on behalf of and for the use of  
42 a data broker, and is found to have intentionally certified that the  
43 requestor is not a data broker or is not making the request on behalf  
44 of and for the use of a data broker, shall be subject to a civil penalty  
45 of \$1,000 for the first offense, \$2,500 for the second offense, and  
46 \$5,000 for each subsequent offense. The penalties may be imposed  
47 by the courts.

1     c. These penalties shall be collected and enforced in  
2 proceedings in accordance with the "Penalty Enforcement Law of  
3 1999," P.L.1999, c.274 (C.2A:58-10 et seq.), and the rules of court  
4 governing actions for the collection of civil penalties. The Superior  
5 Court shall have jurisdiction of proceedings for the collection and  
6 enforcement of the penalty imposed by this section.

7     d. Appropriate disciplinary proceedings may be initiated  
8 against a public official, officer, employee or custodian against  
9 whom a penalty has been imposed.

10 (cf: P.L.2001, c.404, s.12)

11  
12     7. Section 2 of P.L.2021, c.371 (C.47:1B-2) is amended to read  
13 as follows:

14     2. a. An authorized person seeking the redaction or  
15 nondisclosure of the home address of any covered person from  
16 certain records and Internet postings consistent with section 2 of  
17 P.L.2015, c.226 (C.47:1-17), section 1 of P.L.1995, c.23 (C.47:1A-  
18 1.1), or section 6 of P.L.2001, c.404 (C.47:1A-5) shall submit a  
19 request in accordance with section 1 of P.L.2021, c.371 (C.47:1B-1)  
20 to the Office of Information Privacy through the secure portal  
21 established by the office. The address shall only be subject to  
22 redaction or nondisclosure if a request is submitted to and approved  
23 by the Director of the Office of Information Privacy.

24     b. (1) A public agency shall redact or cease to disclose, in  
25 accordance with section 6 of P.L.2001, c.404 (C.47:1A-5) and  
26 section 1 of P.L.1995, c.23 (C.47:1A-1.1), respectively, the home  
27 address of a covered person approved by the Office of Information  
28 Privacy not later than 30 days following the approval. A public  
29 agency shall also discontinue the redaction or nondisclosure of the  
30 home address of any covered person for whom a revocation request  
31 has been approved not later than 30 days following the approval.

32     (2) A custodian of a public agency who makes a reasonable  
33 effort to comply with this subsection shall be presumed to have  
34 acted without willful, purposeful, or reckless disregard of the law.

35     c. An immediate family member who has sought and received  
36 approval under subsection a. of this section and who no longer  
37 resides with the active, formerly active, or retired judicial officer,  
38 law enforcement officer, child protective investigator in the  
39 Division of Child Protection and Permanency, or prosecutor shall  
40 submit through the portal a revocation request not later than 30 days  
41 from the date on which the immediate family member no longer  
42 resided with the judicial officer, law enforcement officer, child  
43 protective investigator in the Division of Child Protection and  
44 Permanency, or prosecutor.

45     d. A person submitting a request pursuant to subsection a. of  
46 this section shall affirm in writing that the person understands that  
47 certain rights, duties, and obligations are affected as a result of the  
48 request, including:

- 1 (1) the receipt of certain notices from non-governmental entities
- 2 as would otherwise be required pursuant to the "Municipal Land
- 3 Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.);
- 4 (2) the signing of petitions related to the nomination or election
- 5 of a candidate to public office or related to any public question;
- 6 (3) the eligibility or requirements related to seeking or accepting
- 7 the nomination for election or election to public office, or the
- 8 appointment to any public position;
- 9 (4) the sale or purchase of a home or other property, recordation
- 10 of a judgment, lien or other encumbrance on real or other property,
- 11 and any relief granted based thereon;
- 12 (5) the ability to be notified of any class action suit or
- 13 settlement; and
- 14 (6) any other legal, promotional, or official notice which would
- 15 otherwise be provided to the person but for the redaction or
- 16 nondisclosure of such person's home address pursuant to subsection
- 17 a. of this section.
- 18 (cf: P.L.2023, c.113, s.4)

19

20 8. (New section) a. Notwithstanding any other law or rule or

21 regulation to the contrary, whenever there is filed a verified

22 complaint to the Superior Court of the county in which the request

23 for access to government records was made under P.L.1963, c.73

24 (C.47:1A-1 et seq.) alleging that a requestor has sought records

25 thereunder for the purpose to harass a public agency, or to

26 substantially interrupt government function, the court may issue a

27 protective order limiting the number and scope of requests the

28 requestor may make or order such other relief as it deems

29 appropriate, including referral of the matter to mediation. The court

30 may issue the protective order if it finds that the requestor has

31 sought records under P.L.1963, c.73 (C.47:1A-1 et seq.) for the

32 purpose of harassing the public agency, or to substantially interrupt

33 government function, as the term harass is defined in N.J.S.2C:33-

34 4. The complaint shall be accompanied by a declaration of facts by

35 the public agency withholding the records demonstrating that it has

36 complied with P.L.1963, c.73 (C.47:1A-1 et seq.) and has made a

37 good faith effort to reach an informal resolution of the issues

38 relating to the records requests.

39 The requestor shall have notice and an opportunity to answer the

40 allegations set forth in the petition submitted by the public agency.

41 The public agency shall have the burden of proof by clear and

42 convincing evidence.

43 The court's consideration of a public agency's complaint for

44 relief shall proceed in a summary or expedited manner.

45 b. The order specified in subsection a. of this section may limit,

46 or, in appropriate circumstances, eliminate the public agency's duty

47 to respond to government records requests from the requestor in the

48 future.

1       9. (New section) a. A data broker business entity conducting  
2 business in this State shall register with the Division of Revenue  
3 and Enterprise Services in the Department of the Treasury. The  
4 division shall impose an annual fee of \$250 for each registration.  
5 The fee shall be deposited into the fund created pursuant to  
6 subsection c. of this section. For the purpose of this section, "data  
7 broker" shall have the same meaning as in section 1 of P.L.1995,  
8 c.23 (C.47:1A-1.1).

9       b. The Department of the Treasury may issue rules and  
10 regulations necessary to effectuate the purpose of this section. The  
11 rules and regulations shall be effective immediately upon filing  
12 with the Office of Administrative Law for a period not to exceed  
13 one year and may, thereafter, be amended, adopted, or readopted in  
14 accordance with the "Administrative Procedure Act," P.L.1968,  
15 c.410 (C.52:14B-1 et seq.).

16       c. There shall be created in the Department of the Treasury a  
17 dedicated, non-lapsing fund for providing grants to political  
18 subdivisions of the State for the purpose of providing access to  
19 government records electronically, including through the use of  
20 shared services agreements. The fund shall be administered by the  
21 State Treasurer. Monies in the fund shall be appropriated annually  
22 solely for this purpose.

23  
24       10. (New section) The Attorney General shall establish a Police  
25 Record Access Improvement Task Force to investigate the existing  
26 statutes governing public access to police records and develop  
27 recommendations for necessary changes to the law.

28       The members of the Police Record Access Improvement Task  
29 Force shall be comprised of 12 members. The membership of the  
30 task force shall be as follows:

31       The Attorney General, or the Attorney's General designee, who  
32 shall serve ex officio, as Chair;

33       Seven public members, appointed by the Governor, one who is a  
34 member of law enforcement, one who is a county or municipal  
35 prosecutor, one who is a criminal defense attorney or public  
36 defender, one who is a member of a social justice advocacy  
37 organization, one who is a member of the New Jersey Press  
38 Association, one who is a member of the New Jersey League of  
39 Municipalities, and one who is a member of the New Jersey  
40 Association of Counties;

41       Two public members, appointed by the Governor upon the  
42 recommendation of the President of the Senate; and

43       Two public members, appointed by the Governor upon the  
44 recommendation of the Speaker of the General Assembly.

45       The task force shall submit to the Governor and to the  
46 Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-  
47 19.1), recommendations for changes to the law.

48       The Department of Law and Public Safety shall provide  
49 stenographic, clerical, and other administrative assistance and



1 professional staff as the task force requires to carry out its work.  
2 The task force shall be entitled to call to its assistance and avail  
3 itself of the services of the employees of any State, county, or  
4 municipal department, board, bureau, commission, or agency as it  
5 may require and as may be available for its purposes.

6 The public members of the task force shall serve without  
7 compensation, but may be reimbursed for necessary and actual  
8 expenses incurred in the performance of their duties to the extent  
9 that funds are made available for that purpose.

10

11 11. (New section) a. The provisions of this section shall apply  
12 only to the New Jersey Division of Elections, the New Jersey  
13 Election Law Enforcement Commission, County Boards of  
14 Elections, County Superintendents of Elections, County Clerks,  
15 Municipal Clerks, Fire District Board Clerks, School District  
16 Business Administrators, and School District Board Secretaries,  
17 hereafter referred to as an “election agency” or “election agencies.”  
18 Except as otherwise provided for in this section, all provisions of  
19 this act, P.L. , c. (pending before the Legislature as this bill),  
20 shall apply to all election agencies. Nothing herein shall be  
21 construed to mean that an election agency is required to provide a  
22 record in response to a request for records, unless it has made or  
23 received and maintains said requested record pursuant to law or  
24 regulation.

25 b. Notwithstanding any other law, rule, or regulation to the  
26 contrary, except as otherwise provided in sections 2 and 3 of  
27 P.L.2021, c.371 (C.47:1B-1 et seq.), subsection b. of section 1 of  
28 P.L.1994, c.148 (C.19:31-3.2), or in any rules or regulations  
29 promulgated by the Secretary of State pursuant to subsection f. of  
30 this section, the following shall be records for which the provided  
31 information shall not be redacted by an election agency except for  
32 voter signatures, Social Security numbers, driver license numbers,  
33 and non-driver identification numbers:

34 (1) Voter registration forms and forms changing the provided  
35 information thereof;

36 (2) Party affiliation forms and forms changing the provided  
37 information thereof;

38 (3) Applications for a vote-by-mail ballot, except as otherwise  
39 provided in sections 3 and 13 of P.L.2020, c.70 (C.19:63-1 et seq.);

40 (4) Forms or reports submitted to the Election Law Enforcement  
41 Commission;

42 (5) Nominating petitions for any candidate for any elected  
43 office, which shall be provided in a manner that includes voter  
44 signatures on such petitions;

45 (6) Petitions to recall an elected official, which shall be  
46 provided in a manner that includes voter signatures on such  
47 petitions;

1 (7) Petitions or submissions for any public question or referenda  
2 to be considered by voters, which shall be provided in a manner that  
3 includes voter signatures on such petitions;

4 (8) Any submissions, responses, objections, or challenges  
5 pertaining to a record referred to in this subsection; and

6 (9) Any addendums, amendments, corrections, withdrawals, or  
7 accompanying forms or submissions pertaining to a record referred  
8 to in this subsection.

9 c. Notwithstanding any other law, rule, or regulation to the  
10 contrary, the following shall be records and information that an  
11 election agency shall make available to requestors for immediate  
12 access and transmission via email as soon as possible, but not later  
13 than two business days after receipt of the request, provided the  
14 request is not for a commercial purpose, for which a fee shall not be  
15 charged nor collected:

16 (1) Nominating petitions for any candidate for any elected office  
17 filed with the election agency within the preceding 90 days of the  
18 date the request is received;

19 (2) Petitions to recall an elected official filed with the election  
20 agency within the preceding 90 days of the date the request is  
21 received;

22 (3) Petitions or submissions for any public question or referenda  
23 to be considered by voters filed with the election agency within the  
24 preceding 90 days of the date the request is received;

25 (4) Any submissions, responses, objections, or challenges filed  
26 with the election agency within the preceding 90 days pertaining to  
27 a record referred to in this subsection;

28 (5) Any addendums, amendments, corrections, withdrawals, or  
29 accompanying forms or submissions filed with the election agency  
30 within the preceding 90 days pertaining to a record referred to in  
31 this subsection; and

32 (6) The inspection and transmission deadline requirements of  
33 this subsection shall be deemed satisfied if an election agency posts  
34 on its website the records and information referred to in this  
35 subsection.

36 d. Notwithstanding any other law, rule, or regulation to the  
37 contrary, the following in paragraphs (1) through (4) of this  
38 subsection shall be records and information that an election agency  
39 shall make available to requestors for immediate access and  
40 transmission via email as soon as possible, provided the request  
41 pertains only to an election to be held within 16 days after the date  
42 of the request and is not for a commercial purpose. The  
43 transmission shall be not later than two business days after receipt  
44 of the request when said request is made between one and 15 days  
45 before the date of the election pertaining to the request. For any  
46 request submitted the day before an election by noon, the request  
47 shall be completed by noon the day of the election. A fee shall not  
48 be charged nor collected. This subsection shall apply to:

1 (1) Lists, in a format capable of being sorted by the requestor, of  
2 registered voters, including their name, address, party affiliation,  
3 and municipal voting ward and district, who have requested, been  
4 mailed, or returned a vote-by-mail ballot, including the dates the  
5 ballot was requested by the voter, mailed to the voter, and received  
6 by the appropriate election agency;

7 (2) Lists, in a format capable of being sorted by the requestor, of  
8 registered voters, including their name, address, party affiliation,  
9 and municipal voting ward and district, who have cast a vote during  
10 the early voting period, including the date and polling location the  
11 vote was cast;

12 (3) The inspection and transmission deadline requirements of this  
13 subsection shall be deemed satisfied if an election agency posts on  
14 its website the records and information referred to in this  
15 subsection; and

16 (4) Whenever the requirements of this subsection would cause a  
17 voter's privacy to be violated, the information shall be provided in a  
18 manner that maintains the privacy of the voter.

19 e. The following records or information shall not be subject to  
20 disclosure pursuant to a request for public records:

21 (1) Ballots marked by a voter, vote tabulations, or election  
22 results for any election prior to the time of the closing of the polls  
23 on the date of the election, except as otherwise provided for by law,  
24 rule, or regulation; and

25 (2) Manuals instructions, specifications, technical information,  
26 or programming code of computers, software, applications,  
27 networks, tablets, voting machines, printers, scanners, and any other  
28 equipment, systems, policies or plans used for the conduct of  
29 elections, the disclosure of which, could have the potential to  
30 jeopardize the security, integrity or accuracy of the conduct of  
31 elections, tabulation of votes, or determination of election results,  
32 except as otherwise provided for by law, rule, or regulation, or in  
33 response to a subpoena or order of a court or tribunal of competent  
34 jurisdiction.

35 f. The Secretary of State may adopt regulations necessary to  
36 effectuate the purposes of this act, which regulations shall be  
37 effective immediately upon filing with the Office of Administrative  
38 Law for a period not to exceed 18 months, and may, thereafter, be  
39 amended, adopted or readopted in accordance with the provisions of  
40 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
41 seq.).

42  
43 12. (New section) a. The provisions of section 1 of P.L.1963,  
44 c.73 (C.47:1A-1), section 1 of P.L.1995, c.23 (C.47:1A-1.1),  
45 sections 6, 7, and 8 of P.L.2001, c.404 (C.47:1A-5 through 47:1A-  
46 7), and section 2 of P.L.2021, c.371 (C.47:1B-2), as amended by  
47 sections 1 through 5 and section 7 of P.L. , c. (pending before  
48 the Legislature as this bill), shall apply retroactively to all  
49 complaints and appeals pending before the Government Records

1 Council, the Superior Court or the Supreme Court of New Jersey  
2 filed prior to the effective date of P.L. , c. (pending before the  
3 Legislature as this bill), provided, however, that nothing in this  
4 section shall be construed as to retroactively reduce the statute of  
5 limitations governing any complaint or appeal pending before the  
6 Government Records Council, the Superior Court or the Supreme  
7 Court of New Jersey.

8 b. All complaints and appeals pending before the Government  
9 Records Council or the Superior Court filed prior to the effective  
10 date of P.L. , c. (pending before the Legislature as this bill),  
11 either anonymously or using a fictitious name or identity, may be  
12 dismissed with prejudice upon a motion by the public agency,  
13 unless the complainant files an amendment to their complaint that  
14 accurately identifies their name and mailing address within 90 days  
15 of the effective date of P.L. , c. (pending before the Legislature  
16 as this bill).

17 c. The parties to any complaint or appeal pending before the  
18 Government Records Council, the Superior Court or the Supreme  
19 Court of New Jersey filed prior to the effective date of  
20 P.L. , c. (pending before the Legislature as this bill), shall be  
21 permitted to file an amendment to their respective complaints and  
22 answers within 90 days of the effective date of P.L. , c. (pending  
23 before the Legislature as this bill).

24  
25 13. a. There is hereby appropriated \$4,000,000 from the State  
26 General Fund to the Department of Community Affairs to provide  
27 grants to political subdivisions of the State for the purpose of  
28 making government records that are accessible under P.L.1963, c.73  
29 (C.47:1A-1 et seq.) available electronically, including through the  
30 use of shared services agreements.

31 b. There is hereby appropriated \$4,000,000 from the State  
32 General Fund to the Department of Community Affairs for the  
33 Government Records Council.

34  
35 14. This act shall take effect 30 days following the date of  
36 enactment, except as otherwise provided for in this act, and except  
37 that section 9 and section 11 shall take effect eight months  
38 following the date of enactment. The Attorney General,  
39 Department of Community Affairs, the Government Records  
40 Council, the Department of the Treasury, and the Department of  
41 State may take any anticipatory administrative action in advance as  
42 shall be necessary for the implementation of this act.