

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2930

with committee amendments

STATE OF NEW JERSEY

DATED: MARCH 11, 2024

The Senate Budget and Appropriations Committee reports favorably and with amendments Senate Bill No. 2930.

As amended by the committee, this bill makes various changes to the law governing access to government records, commonly known as the open public records act, including the following:

- modifies the conditions under which a records custodian has to respond to a request for records, allowing the custodian discretion to deny duplicative or anonymous requests;

- encourages and allocates funds to assist public agencies in moving documents online, making these records searchable via an online database, to the extent feasible;

- creates a uniform and comprehensive definition of “personal identifying information” which, in many cases, is redacted by the records custodian;

- establishes specific timelines for responses to records requests occurring under various circumstances, such as when a record may be unavailable or in storage, and adds additional specificity and clarity to the items and information which are exempt from public access;

- prohibits records requests made by or for data brokers, who take the information they gather and use it for a commercial purpose;

- transfers the responsibility for violations from the custodian to the public agency, and allows, in limited circumstances, for the courts to issue a protective order to shield the agency from harassment;

- alters the composition of the Government Records Council, adding more public members, establishing staggered five year terms and annual salaries, and ensuring partisan balance; and

- establishes a Police Record Access Improvement Task Force to investigate the existing statutes governing public access to police records and develop recommendations for necessary changes to the law.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

require records custodians to assist requestors who are unable to find the record on the public website after the custodian has provided the initially required directions. The requestor has seven days after the custodian provides the initial directions to request further assistance. After the request is received by the custodian, the custodian has seven days to provide the requested assistance;

require notification to the Superior Court or the Government Records Council of the timely production of records in order for the matter to be dismissed without prejudice and to entitle a requestor to a reasonable attorney's fee; and

ensure partisan balance amongst the public members appointed to the Government Records Council.

FISCAL IMPACT:

Fiscal information for this bill is currently unavailable.