

# TOWN OF PHILLIPSBURG

Town Hall  
675 Corliss Avenue  
Phillipsburg, New Jersey 08865

## REQUEST FOR ACCESS TO GOVERNMENT RECORDS

---

FOR MUNICIPAL USE ONLY

Request received by: \_\_\_\_\_  
(Name of municipal official/employee who received request)

Received by, \_\_\_\_\_, Custodian of Government Records, on \_\_\_\_\_

Date Received: \_\_\_\_\_, Date of Response: \_\_\_\_\_

---

SEE INSTRUCTIONS ON PAGE 2

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone [Day]: \_\_\_\_\_

Information Requested:

Copy of Minutes [specify board or entity, date, topic or other identifying information]

\_\_\_\_\_  
\_\_\_\_\_

Copy of Ordinance or Resolution [specify date, number or other identifying information]

\_\_\_\_\_  
\_\_\_\_\_

Police Accident Report                      Fee: \_\_\_\_\_

Identify Accident: \_\_\_\_\_

Other [specify] \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

License Information [specify] \_\_\_\_\_

\_\_\_\_\_

# TOWN OF PHILLIPSBURG

## Information on a Specific Property

Address \_\_\_\_\_

Block \_\_\_\_\_ Lot \_\_\_\_\_

- Municipal Lien Search Fee: \$10.00  
Municipal Lien Searches are provided by the designated search officer and will be provided within 15 days after the request is received and the fee paid, as provided in N.J.S.A. 54:5-11, et seq.
- List of Property Owners within 200' Fee: \_\_\_\_\_  
As provided in N.J.S.A. 40:55D-12, the fee is the greater of \$.25 per name or \$10.00

## INSTRUCTIONS

A request for access to or for a copy of Government Records should be submitted on this form, which has been adopted by the Municipal Clerk as the Custodian of Records. Some records will be immediately available during normal business hours. Some records will require time to compile and to make the copies requested, but will normally be available during normal business hours and within seven (7) business days. If any document or copy which has been requested is not a public record or cannot be provided within the seven (7) business days, you will be provided with a response with that information within the seven (7) business days. Some records requested have specific fees or other response times established by statute. There is no fee involved in simply inspecting a document during normal business hours. This request may be filed electronically. In general:

- Immediate access is ordinarily available for to budgets, bills, vouchers, contracts, including collective negotiations agreements and individual employment contracts, and public employee salary and overtime information. Minutes of public meetings will be generally available immediately after the minutes have been approved.
- Records which are not readily available or which will require a search of records will be made available as soon as possible, but not later than seven (7) business days after receiving the request. However, where the record is not readily available, the applicant will be provided with an interim report within seven (7) business days indicating the time, which will be required to provide the records.
- Except as otherwise provided by law or regulation, the fee assessed for the duplication of a printed record shall be: first page to tenth page, \$0.75 per page; eleventh page to twentieth page, \$0.50 per page; all pages over twenty, \$0.25 per page; for a police accident report there is an additional fee when the request is not made in person of \$5.00 for the first 3 pages and \$1.00 for each additional page, as provided by N.J.S.A. 39:4-131.
- Where a request is for a copy in a format other than a photocopy, reasonable efforts will be made to provide the information in the format requested. The cost will be based on the costs of producing the format requested.
- Where a legal determination must be made as to whether a record is a government record accessible for inspection, copying or examination by the public, the request will be reviewed by the Municipal Attorney.
- The term "government record" generally includes those records determined to be readily accessible to the public for inspection, copying or examination in accordance with the Open Public Records Act (the "Act"), N.J.S.A. 47:1A-1. The term does not include material that is specifically exempted by law and listed on pages 4 and 5.

# TOWN OF PHILLIPSBURG

The Applicant hereby acknowledges receipt of a copy of this form with the date on which the information is expected to be available and the estimated cost. The applicant hereby certifies that he or she has not been convicted of any indictable offense under the laws of this State, any other state or the United States and is not seeking government records containing personal information pertaining to the victim or the victim's family as provided in N.J.S.A. 47:1A-1 et seq.

This form, when signed by the municipal official shall constitute a receipt for any deposit received.

The public records request response will be ready on or before: \_\_\_\_\_

Estimated Number of Pages: \_\_\_\_\_

Estimated Cost: \_\_\_\_\_

Deposit \_\_\_\_\_

[required where the anticipated cost of reproduction exceeds \$5.00]

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Municipal Official

Date: \_\_\_\_\_

Date: \_\_\_\_\_

# TOWN OF PHILLIPSBURG

## EXCEPTIONS UNDER THE OPEN PUBLIC RECORDS ACT

A government record shall not include Inter-agency or intra-agency advisory, consultative, or deliberative material.

Moreover, a government **shall not** include the following information that has been deemed to be confidential under the Act:

1. Photographs, negatives and copies thereof, or videotapes, of a decedent relating to a post mortem examination or autopsy.
2. Records maintained by a law enforcement agency that are not required bylaw to be made and which pertain to criminal investigation or related civil enforcement proceedings.
3. Trade secrets; proprietary commercial or financial information. This includes data processing software obtained pursuant to a licensing agreement prohibiting disclosure.
4. Records within the attorney-client privilege.
5. "Administrative or technical information regarding computer hardware, software and networks which, if disclosed, would jeopardize computer security."
6. Buildings and facilities emergency procedures and security information.
7. Security and surveillance measures which, if disclosed, would create safety risks for persons, property, electronic data or software.
8. Information that would give an advantage to competitors or bidders.
9. Information pertaining to sexual harassment complaints filed with public employers.
10. Information pertaining to any grievance filed by or against an employee.
11. Information pertaining to collective negotiations, including documents containing negotiating strategies.
12. Communications with the public agency's insurance carrier, administrative service organization or risk management office.
13. Information to be kept confidential pursuant to court order.
14. The portion of any document disclosing social security, credit card, unlisted phone or driver license numbers.
15. Personal information regarding the victim of a crime when the information is being sought by the convict who wronged the victim or by anonymous request.
16. Records of an investigation in progress where release is inimical to the public interest.
17. Files maintained by the Office of the Public Defender that relate to the handling of a case.
18. Records heretofore exempt from disclosure under any other statute, resolution of either or both Houses of the Legislature, regulation promulgated under authority of any statute or Executive Order; Executive Order; Rules of Court; federal law, regulation or order.
19. Records heretofore exempt from disclosure pursuant to any executive or legislative privilege or grant of confidentiality established by State Constitution, statute, court rule or case law.
20. Personnel and pension records, including records relating to grievances filed by or against an individual.

## **TOWN OF PHILLIPSBURG**

This is not a complete listing of all exemptions under the Act. This notice is intended to provide a listing of those exceptions that are most likely to apply to a municipal government. The Town reserves the right to deny access to government records pursuant to any other exemptions provided under the Act. The authority for the exemptions listed above can be found in the Act at N.J.S.A. 47:1A-1 (definition of "government record"); N.J.S.A. 47:1A-3.b. (investigation by a public agency); N.J.S.A. 47:1A-5.k. (files maintained by Public Defender); N.J.S.A. 47:1A-9 (records exempted under other authority); N.J.S.A. 47:1A-10 (public employees).

# TOWN OF PHILLIPSBURG

## GOVERNMENT RECORDS REQUEST RESPONSE

1. The information requested was provided on \_\_\_\_\_ , or will be provided on or before \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. The document or documents listed below and requested by you are not being provided because the document or documents are not public records as provided by law, for the following reason:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You have a right to appeal the decision that the document or documents are not public records. You may take your appeal to the Government Records Council or to the New Jersey Superior Court, as provided by N.J.S.A. 47:1A-1 et seq. If your request has been denied, a statement of the procedures for the appeal will be attached to this notification.

[\_\_\_\_\_]

Municipal Clerk

Date

### ACKNOWLEDGMENT

I hereby acknowledge that I have received the documents requested except for any documents specifically listed above on which a determination has been made that the documents will not be provided. If any documents have not been provided, I have received information on the procedures for any appeal of the determination.

[\_\_\_\_\_]

Applicant

Date: \_\_\_\_\_

84068

# TOWN OF PHILLIPSBURG

## OPEN PUBLIC RECORDS ACT

P.L. 2002, c. 404, N.J.S.A. 47:1A-1 et seq.

### Immediate Access to Certain Government Records

Ordinarily, budgets, bills, vouchers, contracts (including collective bargaining agreements and individual employment contracts) and public employee and salary and overtime information shall be made available upon request without delay. The custodian of records must make a reasonable effort to comply with the request as soon as possible, however, where such records are not readily accessible to the custodian, she must comply with the general request process

### General Request Process (7 Days)

The custodian of a public record shall grant access or deny a request for access to a government record as soon as possible, but not later than seven business days after receiving the request. No response constitutes a denial and may subject the custodian to penalties under the Act.

### 7 Day Response Timeframe Matrix

(Holidays and Saturdays/Sundays do not count in the seven business days allowed)

Mon.	Tue.	Wed.	Thurs.	Fri.	Sat.	Sun.	Mon.	Tue.	Wed.	Thur.	Fri.	Sat.	Sun.	Mon.	Tue.
Request	day 1	day 2	day 3	day 4			day 5	day 6	day 7 - response due						
	Request	day 1	day 2	day 3			day 4	day 5	day 6	day 7- response due					
		Request	day 1	day 2			day 3	day 4	day 5	day 6	day 7 - response due				
			Request	day 1			day 2	day 3	day 4	day 5	day 6			day 7 response due	
				Request			day 1	day 2	day 3	day 4	day 5			day 6	day 7 - response due