

OPRA and the INTERNET

Open Public Records Act and the Internet What has changed?

Association of Municipal Assessors

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Are there special rules for OPRA that apply to records displayed on Web Sites?

No. The rules focus on the content, not the medium in which it is stored or presented.

Are records shown on municipal web sites official records?

In most cases, no. However, there should be a statement indicating whether or not it is an official record or a copy of an official record.

Is there a specific form for tax records or other OPRA requests that must be used by requestors?

No. A municipality cannot require a specific form be used for an OPRA request. However standard forms are recommended to ensure the request is clear and specific.

Requests by E-Mail and Fax are ok.

Does the Municipality have a right to know who the data is going to and how it will be used?

No. You cannot require a requestor to explain why he/she wants the information. In addition, municipalities cannot make stipulations on use.

Does the Assessor have any liability for information.

Only if information is knowingly incomplete and appropriate redactions have not been made to protect security or personal information. Redaction must show.

If requestor requests a conversion to another medium, can costs be passed on?

Yes, but they must be identifiable and specific. No labor costs unless it is an extraordinary request.

See GRC decision 2004-136

Do you have to deliver documents via the Internet or Fax?

Yes. however, if transferring documents via facsimile or e-mail requires a substantial amount of manipulation or programming of information technology, they are entitled to impose a special service charge should they deem one necessary.

GRC case # 2004-136

Can special charges be assessed for professional/clerical time for formatting.

Only if they are extraordinary. the public agency may charge, in addition to the actual cost of duplicating the record, a special service charge that shall be reasonable and shall be based upon the actual direct cost of providing the copy or copies. GRC case # 2004-55

What if a request is overwhelming?

You must still comply. Give requestor a response indicating “date certain” for delivery of documents and cost for special charges.

How to determine if request is extraordinary.

Based on GRC Case # 2004-55

- Nature, size and number of records
- Period of time
- Are all/some records archived
- Special technology / labor / skills required
- Disruption to office to fulfill request with current staff
- Staff time to retrieve, copy, prepare for inspection/delivery, monitor, and return records

Municipal Use of the Internet

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