



TOWN OF WEST NEW YORK

COUNTY OF HUDSON, NEW JERSEY

OFFICE OF THE TOWN CLERK

MUNICIPAL BUILDING

428-60th STREET

WEST NEW YORK, NEW JERSEY 07093

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OPEN PUBLIC RECORDS ACT REQUEST FORM

Tracking # _____

Requestor Information - Please Print

First Name _____ MI _____ Last Name _____

E-mail Address _____

Mailing Address _____

City _____ State _____ Zip _____

Telephone _____ FAX _____

If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I *HAVE* / *HAVE NOT* been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.

Signature _____

Date: _____

List of Documents [Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.]

AGENCY USE ONLY

RECEIVED BY: _____

DUE DATE: _____

A request for access to or for a copy of Government Records pursuant to OPRA should be submitted on this form, which has been adopted by the Municipal Clerk as the Custodian of Records, or in a letter that describes the public records sought with specificity indicating that such request is made pursuant to OPRA. 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. **There is no fee involved in simply inspecting a document during normal business hours.** Your request is not considered filed until the Municipal Clerk's Office has received the request form. **All materials requested will be discarded if not picked up within thirty (30) days from when the request is made.** Telephone requests will not be accepted.

- The fees for duplication of a government record in printed form are listed below. Our office will notify you of any special charges, special service charges or other additional charges authorized by State law or regulation before processing your request. **Payments shall be made by cash, check, or money order payable to the Town of West New York.**
- Records which are not readily available or which require a search of records will be made available as soon as possible and the applicant will be provided with an interim report within seven (7) business days indicating the time that will be required to provide the records.
- Where there is a request 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 records are "public records" as provided by law, the request will be reviewed by the Municipal Attorney.
- If your request for access to a government record has been denied or unfiled within the time permitted by law, you have a right to challenge the decision by the Municipal Record Custodian to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint in writing with the Government Records Council (GRC) located in the Department of Community Affairs. You must contact the (GRC) by telephone at (866) 850-0511 or www.state.nj.us/grc.
- **Information provided on this form may be subject to disclosure under the Open Public Records Act**

The term "public records" generally includes those records determined to be public in accordance with N.J.S.A. 47:1A-1. **The term does not include employee personnel files, police investigation records, public assistance files or other matters in which there is a right of privacy or confidentiality or inter-agency advisory, consultative, or deliberative material or other material which is specifically exempted by law. Information submitted to the agency may be a public record and available for public review.**

ACKNOWLEDGEMENT

I, as the requestor, 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.

Date

Requestor's signature

Fees will be charged at a rate of 5¢ per letter size page or smaller and 7¢ per legal size page or larger. Delivery/postage may apply depending upon delivery type requested. Town ordinances establish special service charges for requests that require an extraordinary amount of time and effort to fulfill. Deposits will be required for requests of voluminous documents. Fees must be paid in full prior to the receipt of the documents requested.

Proceeding to challenge denial of access to record (C. 47:1A-6)

A person who is denied access to a government record by the custodian of the record, at the option of the requestor, may:

- **Institute a proceeding to challenge the custodian's decision by filing an action in Superior Court which shall be heard in the vicinage where it is filed by a Superior Court Judge who has been designated to hear such cases because of that judge's knowledge and expertise in matters relating to access to government records; or**
- **In lieu of filing an action in Superior Court, file a complaint with the Government Records Council (GRC) established pursuant to section 8 of P.L. 2001, c.404 (C.47:1A-7).**
- **The right to institute any proceeding under this section shall be solely that of the requestor. Any such proceeding shall proceed in a summary or expedited manner. The public agency shall have the burden of proving that the denial of access is authorized by law. If it is determined that access has been improperly denied, the court or agency head shall order that access be allowed. A requestor who prevails in any proceeding shall be entitled to a reasonable attorney's fee.**