



# New Jersey Libertarian Party

Open Government Advocacy Project

*John Paff, Chairman*

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April 9, 2009

Cheryl Cohen, Records Custodian  
Camden County Prosecutor's Office  
25 N Fifth St  
Camden, NJ 08102

*(via Fax only to 856-225-7010)*

Dear Ms. Cohen:

I write, both individually and in my capacity as Chairman of the New Jersey Libertarian Party's Open Government Advocacy Project.

On March 18, 2008, I submitted a records request for "any 'incident report,' 'police report' 'witness statement' or similar writing that describes" an April 4, 2007 incident in Gloucester Township out of which several criminal charges arose. In your April 4, 2009 faxed response, you stated that several exemptions required you to deny access to every record that I had requested.

You did not describe the records that you were denying access to. Rather, you just generally stated that the records that I seek—whatever they are—would be exempt from access. This makes it impossible for me to determine for myself whether or not the claimed exemptions are truly applicable. I ask that you please provide me with a list of the denied documents.

If I were to file a complaint against you with the Government Records Council (GRC), the GRC would require you to complete and certify to a Statement of Information. Question 9A (see attached) would require you to list each record that is responsive to my request regardless of whether or not those records were exempt from access. It seems to be much more efficient for you to honor my request without me having to file a complaint.

I appreciate your time and look forward to receiving your response.

Sincerely,

John Paff

**PART 2: ABOUT THE DENIAL OF ACCESS COMPLAINT**

6. Attach a copy of the OPRA records request upon which this Complaint is based. Please mark this attachment “Item 6.”
7. Indicate the date on which the Custodian received the OPRA records request upon which this complaint is based. (If the Custodian did not receive an OPRA records request, simply indicate “None received.”)
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8. Indicate the date on which the Custodian responded to the OPRA records request upon which this complaint is based. Provide all written documentation supporting the Custodian’s response. If you use additional pages to respond, please mark each page “Item 8.” (If the Custodian did not respond to the OPRA records request, simply indicate “No response was given.”)
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9. In keeping with the GRC’s statutory mandate to investigate alleged denial of access complaints pursuant to N.J.S.A. 47:1A-7.e. and the court’s instruction that all Custodians responding to denial of access complaints provide a document index containing certain information to the GRC pursuant to its decision in John Paff v. NJ Department of Labor, 392 N.J. Super. 334 (App.Div. 2007), the Custodian **must** provide the document index table below. The document index table is **required** in the table format presented below. Please mark the table “Item 9.”

An example of the **required** document index in table format is as follows:

<b>(A)</b> <b>List of all records responsive to Complainant’s OPRA request (include the number of pages for each record).</b>	<b>(B)</b> <b>List the Records Retention Requirement and Disposition Schedule for each records responsive to the Complainant’s OPRA request</b>	<b>(C)</b> <b>List of all records provided to Complainant, in their <u>entirety</u> or <u>with redactions</u> (include the <u>date</u> such records were provided).</b>	<b>(D)</b> <b>If records were disclosed with redactions, give a general nature description of the redactions.</b>	<b>(E)</b> <b>If records were denied in their entirety, give a general nature description of the record.</b>	<b>(F)</b> <b>List the legal explanation and statutory citation for the denial of access to records in their <u>entirety</u> or <u>with redactions</u>.</b>
<b>Example:</b> Closed session minutes for the May 15, 2006 Council Meeting	Records Retention Requirement: Must be retained by agency permanently. Disposition Schedule: May be archived only (destruction not allowed)	Closed session minutes provided with redactions on June 20, 2007 (3 business days after receiving the OPRA request).	Redactions were made only to delete the discussion of the Council members regarding the personnel matter of Jane Doe.	N/A	<u>N.J.S.A. 47:1A-9.a.</u> (allows exemptions from disclosure contained in other state statutes to apply under OPRA) and <u>N.J.S.A. 10:4-12</u> (allows governing

					bodies to exclude the public from discussions of personnel matters).
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For more clarification of the information required in the document index in table format:

- A. An itemized list of all records responsive to the Complainant's OPRA request that were made, maintained, kept on file or received by your agency on the date of the request, regardless of whether you deem such records are exempt from disclosure.
  - B. State the agency's Records Retention Period (in years) and Destruction Schedule (in years) for each record responsive to the request as established and approved by the New Jersey Department of State, Division of Archives and Records Management.
  - C. Of the records responsive to the request, indicate which records, if any, were provided to the Complainant, in their entirety or with redactions, and the dates such records were provided.
  - D. Of the records responsive to the request and provided to the Complainant with redactions, give a general nature description of the redactions.
  - E. Of the records responsive to the request, and *not* provided to the Complainant in their entirety, give a general nature description of the record.
  - F. Specifically state the legal explanation and statutory citation (to OPRA or other law that applies) for such denial based on a public agency's burden of proving that all denials of access are authorized by law pursuant to N.J.S.A. 47:1A-6 and the court's instruction to provide same in John Paff v. NJ Department of Labor, 392 N.J. Super. 334 (App.Div. 2007).
10. Specifically describe the search undertaken to satisfy the records request upon which this complaint is based.
  11. Specifically state the last date on which documents that may have been responsive to the request were destroyed in accordance with the Records Destruction Schedule established and approved by New Jersey Department of State, Division of Archives and Records Management.
  12. Provide all facts and legal arguments in support of the Custodian's actions with regard to the handling of the OPRA records request upon which this complaint is based on an attached written statement marked "Item 12."
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