

ASSEMBLY, No. 6171

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED DECEMBER 2, 2021

Sponsored by:

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblywoman YVONNE LOPEZ

District 19 (Middlesex)

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

SYNOPSIS

Creates Office of Information Privacy; requires, upon request, redaction and nondisclosure of home address of judicial officers, prosecutors, law enforcement officers, and immediate family members thereof residing in same household; makes appropriation.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning disclosure of certain information with respect
2 to certain public officials, creating a new chapter of and
3 supplementing Title 47 of the Revised Statutes, supplementing
4 Title 17 of the Revised Statutes, amending various parts of the
5 statutory law, repealing section 7 of P.L.2020, c.125, and making
6 an appropriation.

7
8 **BE IT ENACTED** by the Senate and General Assembly of the State
9 of New Jersey:

10
11 1. (New section) a. As used in this this act, P.L. , c.
12 (C.) (pending before the Legislature as this bill):

13 “Authorized person” means a covered person or any of the
14 following persons hereby authorized to submit or revoke a request
15 for the redaction or nondisclosure of a home address on behalf of a
16 covered person:

17 (1) on behalf of any federal judge, a designee of the United
18 States Marshals Service or of the clerk of any United States District
19 Court, provided that the designee submits the affirmation required
20 under subsection d. of section 2 of P.L. , c. (C.) (pending
21 before the Legislature as this bill) signed by each federal judge for
22 whom a request or revocation is made;

23 (2) on behalf of any covered person who is deceased or
24 medically or psychologically incapacitated, a person acting on
25 behalf of the covered person as a designated trustee, as an estate
26 executor, or pursuant to a written power of attorney or other legal
27 instrument, provided that the person signs and submits the
28 affirmation required under subsection d. of section 2 of P.L. , c.
29 (C.) (pending before the Legislature as this bill) in the stead of
30 the covered person; and

31 (3) on behalf of any immediate family member who is a minor
32 and who is otherwise entitled to address redaction or nondisclosure
33 pursuant to this act, the parent or legal guardian thereof.

34 “Covered person” means an active, formerly active, or retired
35 judicial officer or law enforcement officer, as those terms are
36 defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor
37 and any immediate family member residing in the same household
38 as the judicial officer, law enforcement officer, or prosecutor.

39 “Immediate family member” means a spouse, child, or parent of,
40 or any other family member related by blood or by law to, an active,
41 formerly active, or retired judicial officer or law enforcement
42 officer, as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or
43 prosecutor and who resides in the same household as the judicial
44 officer, law enforcement officer, or prosecutor.

45 b. There is established in the Department of Community Affairs

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 an office to be known as the Office of Information Privacy. The
2 office shall be led by a director, who shall be appointed by and
3 serve at the pleasure of the Commissioner of Community Affairs
4 and who may hire staff as necessary.

5 c. The director shall establish:

6 (1) a secure portal through which an authorized person may
7 submit or revoke a request for the redaction or nondisclosure of a
8 covered person's home address from certain records and Internet
9 postings, as provided in section 2 of P.L. , c. (C.) (pending
10 before the Legislature as this bill); and such requests shall not be
11 subject to disclosure under P.L.1963, c.73 (C.47:1A-1 et seq.);

12 (2) a process by which an authorized person may petition the
13 director for reconsideration of a denial of such request or any
14 revocations thereof;

15 (3) a process by which a person or entity may request receipt of
16 a record that does not contain redactions, or of information that is
17 not disclosable, resulting from subsection a. of section 2 of P.L. ,
18 c. (C.) (pending before the Legislature as this bill); and

19 (4) a process for the evaluation of any other exceptions to the
20 requirement for redaction or nondisclosure pursuant to section 2 of
21 P.L. , c. (C.) (pending before the Legislature as this bill),
22 whether categorical or individualized. The director may grant an
23 exception to any person or entity for the receipt of the unredacted
24 records or information pursuant to this process.

25 d. The director shall evaluate and either approve or deny a
26 request submitted pursuant to subsection c. of this section and any
27 revocations thereof.

28 e. (1) The director may enter into any agreement or contract
29 necessary to effectuate the purposes of this act.

30 (2) The director may issue any guidance, guidelines, decisions,
31 or rules and regulations necessary to effectuate the purposes of this
32 act. The rules and regulations shall be effective immediately upon
33 filing with the Office of Administrative Law for a period not to
34 exceed 18 months, and shall, thereafter, be amended, adopted, or
35 readopted in accordance with the provisions of the "Administrative
36 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

37
38 2. (New section) a. An authorized person seeking the redaction
39 or nondisclosure of the home address of any covered person from
40 certain records and Internet postings consistent with section 2 of
41 P.L.2015, c.226 (C.47:1-17), section 1 of P.L.1995, c.23 (C.47:1A-
42 1.1), or section 6 of P.L.2001, c.404 (C.47:1A-5) shall submit a
43 request in accordance with section 1 of P.L. , c. (C.)
44 (pending before the Legislature as this bill) to the Office of
45 Information Privacy through the secure portal established by the
46 office. The address shall only be subject to redaction or
47 nondisclosure if a request is submitted to and approved by the
48 Director of the Office of Information Privacy.

1 b. A public agency shall redact or cease to disclose, in
2 accordance with section 6 of P.L.2001, c.404 (C.47:1A-5) and
3 section 1 of P.L.1995, c.23 (C.47:1A-1.1), respectively, the home
4 address of a covered person approved by the Office of Information
5 Privacy not later than 30 days following the approval. A public
6 agency shall also discontinue the redaction or nondisclosure of the
7 home address of any covered person for whom a revocation request
8 has been approved not later than 30 days following the approval.

9 c. An immediate family member who has sought and received
10 approval under subsection a. of this section and who no longer
11 resides with the active, formerly active, or retired judicial officer,
12 prosecutor, or law enforcement officer shall submit through the
13 portal a revocation request not later than 30 days from the date on
14 which the immediate family member no longer resided with the
15 judicial officer, prosecutor, or law enforcement officer.

16 d. A person submitting a request pursuant to subsection a. of this
17 section shall affirm in writing that the person understands that
18 certain rights, duties, and obligations are affected as a result of the
19 request, including:

20 (1) the receipt of certain notices from non-governmental entities
21 as would otherwise be required pursuant to the "Municipal Land
22 Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.);

23 (2) the signing of petitions related to the nomination or election
24 of a candidate to public office or related to any public question;

25 (3) the eligibility or requirements related to seeking or accepting
26 the nomination for election or election to public office, or the
27 appointment to any public position;

28 (4) the sale or purchase of a home or other property, recordation
29 of a judgment, lien or other encumbrance on real or other property,
30 and any relief granted based thereon;

31 (5) the ability to be notified of any class action suit or
32 settlement; and

33 (6) any other legal, promotional, or official notice which would
34 otherwise be provided to the person but for the redaction or
35 nondisclosure of such person's home address pursuant to subsection
36 a. of this section.

37
38 3. (New section) a. The following exceptions shall apply to the
39 requirement to redact, and the prohibition against the disclosure of,
40 a home address pursuant to section 2 of P.L. , c. (C.)
41 (pending before the Legislature as this bill) in accordance with
42 section 2 of P.L.2015, c.226 (C.47:1-17), section 1 of P.L.1995,
43 c.23 (C.47:1A-1.1), or section 6 of P.L.2001, c.404 (C.47:1A-5):

44 (1) Copies of voter registration files maintained in the Statewide
45 voter registration system pursuant to section 2 of P.L.2005, c.145
46 (C.19:31-32) and maintained by the commissioner of registration in
47 each county pursuant to R.S.19:31-3 shall be provided as redacted
48 pursuant to section 2 of P.L. , c. (C.) (pending before the

1 Legislature as this bill), except that copies of the files as unredacted
2 pursuant thereto shall be provided to the following individuals,
3 upon the individual's signing of an affidavit attesting to the
4 individual's qualifying status pursuant hereto:

5 (a) the chairperson of the county or municipal committee of a
6 political party, as appropriate under R.S.19:7-1, or a designee
7 thereof, for distribution to any person authorized to serve as a
8 challenger pursuant to R.S.19:7-1 or section 2 of P.L.2021, c.40
9 (C.19:15A-2), subject to the limitations in section 1 of P.L.1960,
10 c.82 (C.19:7-6.1); and the unredacted copies may only be used for
11 the purpose specified in R.S.19:7-5;

12 (b) a candidate, or a designee thereof, for distribution to a
13 challenger appointed thereby pursuant to section 2 of P.L.2021, c.40
14 (C.19:15A-2) for the person's use in accordance with R.S.19:7-5;

15 (c) a candidate acting as a challenger pursuant to R.S.19:7-2 or
16 the other person appointed thereunder, for use in accordance with
17 R.S.19:7-5;

18 (d) any vendor, contractor, or organization carrying out a
19 function of a county or of the State concerning the administration or
20 conduct of elections; and

21 (e) upon order of a judge of the Superior Court after a finding
22 that the unredacted copy is necessary to determine the merits of a
23 petition filed in accordance with R.S.19:29-3, a person filing such
24 petition or the respondent or both.

25 This paragraph shall apply to registry lists as described in section
26 2 of P.L.1947, c.347 (C.19:31-18.1).

27 (2) Other than as provided in subparagraphs (d) and (e) of
28 paragraph (4) of this subsection, a document affecting the title to
29 real property, as defined by N.J.S.46:26A-2, recorded and indexed
30 by a county recording officer, or as otherwise held or maintained by
31 the Division of Taxation, a county board of taxation, a county tax
32 administrator, or a county or municipal tax assessor, that contains
33 an address subject to redaction or nondisclosure consistent with this
34 act, P.L. , c. (C.) (pending before the Legislature as this
35 bill):

36 may instead or in addition include the redaction and
37 nondisclosure of the names or other information of approved
38 covered persons, as specified by the Director of the Division of
39 Taxation, which redaction and nondisclosure may include masking
40 of such names or other information, and

41 shall be provided as unredacted to the following persons when
42 requested in such person's ordinary course of business:

43 (a) a title insurance company, a title insurance agent, or an
44 approved attorney, as defined in section 1 of P.L.1975, c.106
45 (C.17:46B-1);

46 (b) a mortgage guarantee insurance company, as described in
47 section 4 of P.L.1968, c.248 (C.17:46A-4);

(c) a mortgage loan originator, as defined in section 3 of P.L.2009, c.53 (C.17:11C-53);

(d) a registered title search business entity, as defined in section 4 of P.L. , c. (C.) (pending before the Legislature as this bill);

(e) a real estate broker, a real estate salesperson, a real estate salesperson licensed with a real estate referral company, or a real estate referral company, as such terms are defined in R.S.45:15-3; and

(f) an individual or business that has made or received an offer for the purchase of real estate and real property, or any portion thereof, to or from a covered person whose address is subject to redaction or nondisclosure pursuant to section 2 of P.L. , c. (C.) (pending before the Legislature as this bill).

This act shall not be construed to prohibit a county recording officer from returning a document as unredacted to any person who submitted the document for recordation.

(3) A home address as unredacted may be provided by a public agency to the majority representative of such agency's employees.

(4) The following shall not be subject to redaction or nondisclosure pursuant to subsection 2 of P.L. , c. (C.) (pending before the Legislature as this bill):

(a) records and documents, including Uniform Commercial Code filings and financing statements, maintained by the Division of Revenue and Enterprise Services in the Department of the Treasury;

(b) petitions naming candidates for office pursuant to R.S.19:13-1 and R.S.19:13-4;

(c) petitions signed in accordance with R.S.19:13-6;

(d) records evidencing any lien, judgement, or other encumbrance upon real or other property;

(e) assessment lists subject to inspection pursuant to R.S.54:4-38 when inspected in person;

(f) the index of all recorded documents maintained by a county recording officer as under N.J.S.46:26A-8 when inspected in person; and

(g) property that is presumed abandoned under the "Uniform Unclaimed Property Act," P.L.1989, c.58 (C.46:30B-1 et seq.).

(5) A public agency may share unredacted information with any vendor, contractor, or organization to carry out the purposes for which the public agency entered into an agreement with the vendor, contractor, or organization. The vendor, contractor, or organization shall not use such information in any manner other than as necessary to carry out the purposes of the agreement.

(6) For a record or other document containing a home address required to be redacted pursuant to section 2 of P.L. , c. (C.) (pending before the Legislature as this bill) that, because of the characteristics or properties of the record or document, is

1 only available to be viewed in person, a custodian or other
2 government official shall make every reasonable effort to hide such
3 address when allowing an individual without authority to view such
4 address as unredacted to view the record or document.

5 b. Nothing in this act shall be construed to require redaction or
6 nondisclosure of any information in any document, record,
7 information, or database shared with or otherwise provided to any
8 other government entity.

9 c. Information otherwise subject to redaction or nondisclosure
10 pursuant to section 2 of P.L. , c. (C.) (pending before the
11 Legislature as this bill) may be provided as unredacted upon order
12 of a judge of the Superior Court or of any other court of competent
13 jurisdiction.

14 d. This section shall not be construed to require a record to be
15 made available that is not otherwise required to be made available
16 under any other law or regulation.

17 e. The Director of the Division of Taxation may issue any
18 guidance, guidelines, or rules and regulations necessary to
19 effectuate the purposes of this section. The rules and regulations
20 shall be effective immediately upon filing with the Office of
21 Administrative Law for a period not to exceed 18 months, and shall,
22 thereafter, be amended, adopted, or readopted in accordance with
23 the provisions of the “Administrative Procedure Act,” P.L.1968,
24 c.410 (C.52:14B-1 et seq.).

25
26 4. (New section) a. As used in this section:

27 “Title search business entity” means any person or entity
28 organized under the laws of this State or another state for the
29 primary purpose of determining the existence of any lien, lawsuit,
30 lease, easement, mortgage or other encumbrance or restriction, or
31 ownership interest, on any property and regularly conducts business
32 with any title insurance company or title insurance agent as defined
33 in section 1 of P.L.1975, c.106 (C.17:46B-1).

34 b. A title search business entity conducting business in this State
35 shall register with and be subject to regulation by the Department of
36 Banking and Insurance. The business entities shall also register with
37 the Division of Revenue and Enterprise Services in the Department
38 of the Treasury, or the county clerk, as appropriate.

39 c. The Commissioner of Banking and Insurance may issue rules
40 and regulations necessary to effectuate the purposes of this section.
41 The rules and regulations shall be effective immediately upon filing
42 with the Office of Administrative Law for a period not to exceed 18
43 months and may, thereafter, be amended, adopted, or readopted in
44 accordance with the “Administrative Procedure Act,” P.L.1968,
45 c.410 (C.52:14B-1 et seq.).

46
47 5. Section 1 of P.L.2015, c.226 (C.2C:20-31.1) is amended to
48 read as follows:

- 1 1. **[A]** a. For the purposes of this section:
- 2 “Authorized person” means a covered person or any of the
- 3 following persons hereby authorized to submit or revoke a request
- 4 for the redaction or nondisclosure of a home address or unpublished
- 5 telephone number on behalf of a covered person pursuant to
- 6 subsection c. of this section:
- 7 (1) on behalf of any federal judge, a designee of the United
- 8 States Marshals Service or of the clerk of any United States District
- 9 Court;
- 10 (2) on behalf of any covered person who is deceased or
- 11 medically or psychologically incapacitated, a person acting on
- 12 behalf of the covered person as a designated trustee, as an estate
- 13 executor, or pursuant to a written power of attorney or other legal
- 14 instrument; and
- 15 (3) on behalf of any immediate family member who is a minor
- 16 and who is otherwise entitled to address redaction or nondisclosure
- 17 pursuant to this act, P.L. , c. (C.) (pending before the
- 18 Legislature as this bill), the parent or legal guardian thereof.
- 19 “Covered person” means an active, formerly active, or retired
- 20 judicial officer or law enforcement officer, as those terms are
- 21 defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor
- 22 and any immediate family member residing in the same household
- 23 as the judicial officer, law enforcement officer, or prosecutor.
- 24 “Immediate family member” means a spouse, child, or parent of,
- 25 or any other family member related by blood or by law to, an active,
- 26 formerly active, or retired judicial officer or law enforcement
- 27 officer, as those terms are defined by section 1 of P.L.1995, c.23
- 28 (C.47:1A-1.1), or prosecutor and who resides in the same household
- 29 as the judicial officer, law enforcement officer, or prosecutor.
- 30 “Person” shall not be construed to include in any capacity the
- 31 custodian of a government record as defined in section 1 of
- 32 P.L.1995, c.23 (C.47:1A-1.1).
- 33 b. Upon notification pursuant to subsection c. of this section,
- 34 and not later than 10 business days after receipt thereof, a person
- 35 shall not knowingly, with purpose to expose another to harassment
- 36 or risk of harm to life or property, or in reckless disregard of the
- 37 probability of such exposure, post **[or]** , repost, publish, or
- 38 republish on the Internet **[, or repost, republish]**, or otherwise make
- 39 available, the home address or unpublished home telephone number
- 40 of any **[active, formerly active, or retired judicial officer, as defined**
- 41 by section 1 of P.L.1995, c.23 (C.47:1A-1.1), prosecutor, or law
- 42 enforcement officer, or the spouse or child thereof] covered person,
- 43 except in compliance with any court order, law enforcement
- 44 investigation, or request by a government agency or person duly
- 45 acting on behalf of the agency.
- 46 c. An authorized person, as defined in subsection a. of this
- 47 section, seeking to prohibit the disclosure of the home address or

1 unpublished home telephone number of any covered person
2 consistent with subsection b. of this section shall provide written
3 notice to the person from whom they are seeking nondisclosure that
4 they are an authorized person and requesting that such person cease
5 the disclosure of such information and remove the protected
6 information from the Internet or where otherwise made available.

7 d. A reckless violation of subsection b. of this section is a crime
8 of the fourth degree. A purposeful violation of subsection b. of this
9 section is a crime of the third degree.

10 e. This section shall not be construed to prohibit a person,
11 business, or association who has received information as unredacted
12 pursuant to the provisions of sections 1 through 3 of P.L. , c.
13 (C.) (pending before the Legislature as this bill) from making
14 the information available consistent with the purposes for which the
15 person, business, or association received the information. A person,
16 business, or association that uses or makes available the information
17 in a way that is inconsistent with the purposes for which the person,
18 business, or association received the information shall be liable as
19 provided pursuant to subsection d. of this section.

20 (cf: P.L.2021, c.24, s.4)

21
22 6. Section 2 of P.L.1947, c.347 (C.19:31-18.1) is amended to
23 read as follows:

24 2. a. The county clerk in all counties shall cause copies of the
25 registry lists, certified and transmitted under R.S.19:31-18, to be
26 printed, and shall furnish to any voter applying for the same such
27 copies, charging therefor \$0.25 per copy of the list of voters of each
28 election district. The clerk shall also furnish five printed copies
29 thereof to each district board, which shall within two days post two
30 such registry lists, one in the polling place and one in another
31 conspicuous place within the election district. The county clerk
32 shall also forthwith deliver to the superintendent of elections of the
33 county, if any there be, and to the chairmen of the county
34 committees of each of the several political parties in the county,
35 five copies of the lists of voters of each election district in the
36 county; and to the municipal clerk of each of the municipalities in
37 the county five copies of the lists of voters of each election district
38 in such municipality; and to the county board 10 copies of the lists
39 of voters of each election district in each of such municipalities.
40 The county clerk shall also, upon the request of the chairman of the
41 State committee of any of the several political parties, but not more
42 than once in each calendar year, forthwith deliver a copy of the lists
43 of voters of each election district in each of the municipalities in his
44 county. In no case shall a list of registered voters furnished pursuant
45 to this section include voter signatures or, except as otherwise
46 provided in section 3 of P.L. , c. (C.) (pending before the
47 Legislature as this bill), the home address of a covered person, as
48 defined in section 1 of P.L. , c. (C.) (pending before the

1 Legislature as this bill), who has received approval from the Office
2 of Information Privacy for the redaction or nondisclosure of the
3 covered person's address. The county clerk shall satisfy the request
4 by delivery of a computer-generated or electronic copy of the list
5 for the county from the Statewide voter registration system.

6 b. The commissioner of registration shall furnish a computer-
7 generated or electronic copy of a list of registered voters in any or
8 all election districts in the county to any voter requesting it, for
9 which copy such commissioner shall make a charge which shall be
10 uniform in any calendar year and which shall reflect only the cost of
11 reproducing the list, but which in any case shall not exceed \$375.

12 c. No person shall use voter registration lists or copies thereof
13 prepared pursuant to this section as a basis for commercial or
14 charitable solicitation of the voters listed thereon. Any person
15 making such use of such lists or copies thereof shall be a disorderly
16 person, and shall be punished by a fine not exceeding \$500.00.

17 (cf: P.L.2005, c.145, s.14)
18

19 7. Section 2 of P.L.2015, c.226 (C.47:1-17) is amended to read
20 as follows:

21 2. **【A】** Except as otherwise provided pursuant to sections 1
22 through 3 of P.L. , c. (C.) (pending before the Legislature
23 as this bill), a State or local governmental agency shall not
24 knowingly post **【or】** , repost, publish , or republish on the Internet
25 **【, or repost, republish, or otherwise make available,】** the home
26 address **【or unpublished home telephone number】** of any **【active,**
27 formerly active, or retired judicial officer, as defined by section 1 of
28 P.L.1995, c.23 (C.47:1A-1.1), prosecutor, or law enforcement
29 officer without first obtaining **【** covered person approved by the
30 Office of Information Privacy pursuant to section 2 of P.L. , c.
31 (C.) (pending before the Legislature as this bill), 31 days or
32 more following such approval, unless the agency obtains the written
33 permission of that person.

34 (cf: P.L.2021, c.24, s.3)
35

36 8. Section 3 of P.L.2015, c.226 (C.56:8-166.1) is amended to
37 read as follows:

38 3. a. **【A】** (1) Upon notification pursuant to paragraph (2) of this
39 subsection, and not later than 10 business days following receipt
40 thereof, a person, business, or association shall not disclose or re-
41 disclose on the Internet **【, or re-disclose】** or otherwise make
42 available, the home address or unpublished home telephone number
43 of any **【active, formerly active, or retired judicial officer, as defined**
44 by section 1 of P.L.1995, c.23 (C.47:1A-1.1), prosecutor, or law
45 enforcement officer under circumstances in which a reasonable
46 person would believe that providing that information would expose

1 another to harassment or risk of harm to life or property **】** covered
2 person, as defined in subsection d. of this section, who has received
3 approval from the Office of Information Privacy for the redaction or
4 nondisclosure of the covered person's address.

5 (2) An authorized person, seeking to prohibit the disclosure of
6 the home address or unpublished home telephone number of any
7 covered person consistent with paragraph (1) of this subsection
8 shall provide written notice to the person from whom they are
9 seeking nondisclosure that they are an authorized person and
10 requesting that the person cease the disclosure of the information
11 and remove the protected information from the Internet or where
12 otherwise made available.

13 (3) An immediate family member who has provided notice
14 pursuant to paragraph (2) of this subsection and who no longer
15 resides with the judicial officer, prosecutor, or law enforcement
16 officer shall provide notice to that effect to the person, business, or
17 association not later than 30 days from the date on which the
18 immediate family member no longer resided with the judicial
19 officer, prosecutor, or law enforcement officer.

20 b. A person, business, or association that violates subsection a.
21 of this section shall be liable to the aggrieved person **【**or any other
22 person residing at the home address of the aggrieved person**】**, who
23 may bring a civil action in the Superior Court.

24 c. The court may award:

25 (1) actual damages, but not less than liquidated damages
26 computed at the rate of \$1,000 for each violation of this act;

27 (2) punitive damages upon proof of willful or reckless disregard
28 of the law;

29 (3) reasonable attorney's fees and other litigation costs
30 reasonably incurred; and

31 (4) any other preliminary and equitable relief as the court
32 determines to be appropriate.

33 d. For the purposes of this section **【**, "disclose"**】** :

34 "Authorized person" means a covered person or any of the
35 following persons hereby authorized to submit or revoke a request
36 for the redaction or nondisclosure of a home address on behalf of a
37 covered person:

38 (1) on behalf of any federal judge, a designee of the United
39 States Marshals Service or of the clerk of any United States District
40 Court;

41 (2) on behalf of any covered person who is deceased or
42 medically or psychologically incapacitated, a person acting on
43 behalf of the covered person as a designated trustee, as an estate
44 executor, or pursuant to a written power of attorney or other legal
45 instrument; and

46 (3) on behalf of any immediate family member who is a minor
47 and who is otherwise entitled to address redaction or nondisclosure
48 pursuant to this act, the parent or legal guardian thereof.

1 “Covered person” means an active, formerly active, or retired
2 judicial officer or law enforcement officer, as those terms are
3 defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor
4 and any immediate family member residing in the same household
5 as such judicial officer, law enforcement officer, or prosecutor.

6 “Disclose” shall mean to solicit, sell, manufacture, give, provide,
7 lend, trade, mail, deliver, transfer, post, publish, distribute,
8 circulate, disseminate, present, exhibit, advertise or offer.

9 “Immediate family member” means a spouse, child, or parent of,
10 or any other family member related by blood or by law to, an active,
11 formerly active, or retired judicial officer or law enforcement
12 officer, as those terms are defined by section 1 of P.L.1995, c.23
13 (C.47:1A-1.1), or prosecutor and who resides in the same household
14 as such judicial officer, prosecutor, or law enforcement officer.

15 “Person” shall not be construed to include in any capacity the
16 custodian of a government record as defined in section 1 of
17 P.L.1995, c.23 (C.47:1A-1.1).

18 e. This section shall not be construed to prohibit a person,
19 business, or association who has received information as unredacted
20 pursuant to the provisions of sections 1 through 3 of P.L. , c.
21 (C.) (pending before the Legislature as this bill) from making
22 the information available consistent with the purposes for which the
23 person, business, or association received the information. A person,
24 business, or association that uses or makes available the information
25 in a way that is inconsistent with the purposes for which the person,
26 business, or association received the information shall be liable as
27 provided pursuant to subsection c. of this section.

28 (cf: P.L.2021, c.24, s.5)

29
30 9. N.J.S.46:26A-12 is amended to read as follows:

31 46:26A-12 a. **Any** Notwithstanding the provisions of P.L. ,
32 c. (C.) (pending before the Legislature as this bill), any
33 recorded document affecting the title to real property is, from the
34 time of recording, notice to all subsequent purchasers, mortgagees
35 and judgment creditors of the execution of the document recorded
36 and its contents.

37 b. A claim under a recorded document affecting the title to real
38 property shall not be subject to the effect of a document that was
39 later recorded or was not recorded unless the claimant was on notice
40 of the later recorded or unrecorded document.

41 c. A deed or other conveyance of an interest in real property shall
42 be of no effect against subsequent judgment creditors without
43 notice, and against subsequent bona fide purchasers and mortgagees
44 for valuable consideration without notice and whose conveyance or
45 mortgage is recorded, unless that conveyance is evidenced by a
46 document that is first recorded.

47 (cf: N.J.S.46:26A-12)

1 10. Section 1 of P.L.1995, c.23 (C.47:1A-1.1) is amended to
2 read as follows:

3 1. As used in P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and
4 supplemented:

5 "Biotechnology" means any technique that uses living
6 organisms, or parts of living organisms, to make or modify
7 products, to improve plants or animals, or to develop micro-
8 organisms for specific uses; including the industrial use of
9 recombinant DNA, cell fusion, and novel bioprocessing techniques.

10 "Custodian of a government record" or "custodian" means in the
11 case of a municipality, the municipal clerk and in the case of any
12 other public agency, the officer officially designated by formal
13 action of that agency's director or governing body, as the case may
14 be.

15 "Government record" or "record" means any paper, written or
16 printed book, document, drawing, map, plan, photograph,
17 microfilm, data processed or image processed document,
18 information stored or maintained electronically or by sound-
19 recording or in a similar device, or any copy thereof, that has been
20 made, maintained or kept on file in the course of his or its official
21 business by any officer, commission, agency or authority of the
22 State or of any political subdivision thereof, including subordinate
23 boards thereof, or that has been received in the course of his or its
24 official business by any such officer, commission, agency, or
25 authority of the State or of any political subdivision thereof,
26 including subordinate boards thereof. The terms shall not include
27 inter-agency or intra-agency advisory, consultative, or deliberative
28 material.

29 A government record shall not include the following information
30 which is deemed to be confidential for the purposes of P.L.1963,
31 c.73 (C.47:1A-1 et seq.) as amended and supplemented:

32 information received by a member of the Legislature from a
33 constituent or information held by a member of the Legislature
34 concerning a constituent, including but not limited to information in
35 written form or contained in any e-mail or computer data base, or in
36 any telephone record whatsoever, unless it is information the
37 constituent is required by law to transmit;

38 any memorandum, correspondence, notes, report or other
39 communication prepared by, or for, the specific use of a member of
40 the Legislature in the course of the member's official duties, except
41 that this provision shall not apply to an otherwise publicly-
42 accessible report which is required by law to be submitted to the
43 Legislature or its members;

44 any copy, reproduction or facsimile of any photograph, negative
45 or print, including instant photographs and videotapes of the body,
46 or any portion of the body, of a deceased person, taken by or for the
47 medical examiner at the scene of death or in the course of a post

1 mortem examination or autopsy made by or caused to be made by
2 the medical examiner except:
3 when used in a criminal action or proceeding in this State which
4 relates to the death of that person,
5 for the use as a court of this State permits, by order after good
6 cause has been shown and after written notification of the request
7 for the court order has been served at least five days before the
8 order is made upon the county prosecutor for the county in which
9 the post mortem examination or autopsy occurred,
10 for use in the field of forensic pathology or for use in medical or
11 scientific education or research, or
12 for use by any law enforcement agency in this State or any other
13 state or federal law enforcement agency;
14 criminal investigatory records;
15 victims' records, except that a victim of a crime shall have access
16 to the victim's own records;
17 any written request by a crime victim for a record to which the
18 victim is entitled to access as provided in this section, including,
19 but not limited to, any law enforcement agency report, domestic
20 violence offense report, and temporary or permanent restraining
21 order;
22 personal firearms records, except for use by any person
23 authorized by law to have access to these records or for use by any
24 government agency, including any court or law enforcement
25 agency, for purposes of the administration of justice;
26 personal identifying information received by the Division of Fish
27 and Wildlife in the Department of Environmental Protection in
28 connection with the issuance of any license authorizing hunting
29 with a firearm. For the purposes of this paragraph, personal
30 identifying information shall include, but not be limited to, identity,
31 name, address, social security number, telephone number, fax
32 number, driver's license number, email address, or social media
33 address of any applicant or licensee;
34 trade secrets and proprietary commercial or financial information
35 obtained from any source. For the purposes of this paragraph, trade
36 secrets shall include data processing software obtained by a public
37 body under a licensing agreement which prohibits its disclosure;
38 any record within the attorney-client privilege. This paragraph
39 shall not be construed as exempting from access attorney or
40 consultant bills or invoices except that such bills or invoices may be
41 redacted to remove any information protected by the attorney-client
42 privilege;
43 administrative or technical information regarding computer
44 hardware, software and networks which, if disclosed, would
45 jeopardize computer security;
46 emergency or security information or procedures for any
47 buildings or facility which, if disclosed, would jeopardize security
48 of the building or facility or persons therein;

1 security measures and surveillance techniques which, if
2 disclosed, would create a risk to the safety of persons, property,
3 electronic data or software;

4 information which, if disclosed, would give an advantage to
5 competitors or bidders;

6 information generated by or on behalf of public employers or
7 public employees in connection with any sexual harassment
8 complaint filed with a public employer or with any grievance filed
9 by or against an individual or in connection with collective
10 negotiations, including documents and statements of strategy or
11 negotiating position;

12 information which is a communication between a public agency
13 and its insurance carrier, administrative service organization or risk
14 management office;

15 information which is to be kept confidential pursuant to court
16 order;

17 any copy of form DD-214, NGB-22, or that form, issued by the
18 United States Government, or any other certificate of honorable
19 discharge, or copy thereof, from active service or the reserves of a
20 branch of the Armed Forces of the United States, or from service in
21 the organized militia of the State, that has been filed by an
22 individual with a public agency, except that a veteran or the
23 veteran's spouse or surviving spouse shall have access to the
24 veteran's own records;

25 any copy of an oath of allegiance, oath of office or any
26 affirmation taken upon assuming the duties of any public office, or
27 that oath or affirmation, taken by a current or former officer or
28 employee in any public office or position in this State or in any
29 county or municipality of this State, including members of the
30 Legislative Branch, Executive Branch, Judicial Branch, and all law
31 enforcement entities, except that the full name, title, and oath date
32 of that person contained therein shall not be deemed confidential;

33 that portion of any document which discloses the social security
34 number, credit card number, unlisted telephone number or driver
35 license number of any person, or , in accordance with section 2 of
36 P.L. , c. (C.) (pending before the Legislature as this bill),
37 that portion of any document which discloses the home address,
38 whether a primary or secondary residence, of any active, formerly
39 active, or retired judicial officer **【or】**, prosecutor, **【and any active,**
40 **formerly active, or retired】** or law enforcement officer, or, as
41 defined in section 1 of P.L. , c. (C.) (pending before the
42 Legislature as this bill), any immediate family member thereof;
43 except for use by any government agency, including any court or
44 law enforcement agency, in carrying out its functions, or any
45 private person or entity acting on behalf thereof, or any private
46 person or entity seeking to enforce payment of court-ordered child
47 support; except with respect to the disclosure of driver information
48 by the New Jersey Motor Vehicle Commission as permitted by

1 section 2 of P.L.1997, c.188 (C.39:2-3.4); and except that a social
2 security number contained in a record required by law to be made,
3 maintained or kept on file by a public agency shall be disclosed
4 when access to the document or disclosure of that information is not
5 otherwise prohibited by State or federal law, regulation or order or
6 by State statute, resolution of either or both houses of the
7 Legislature, Executive Order of the Governor, rule of court or
8 regulation promulgated under the authority of any statute or
9 executive order of the Governor;

10 a list of persons identifying themselves as being in need of
11 special assistance in the event of an emergency maintained by a
12 municipality for public safety purposes pursuant to section 1 of
13 P.L.2017, c.266 (C.40:48-2.67); and

14 a list of persons identifying themselves as being in need of
15 special assistance in the event of an emergency maintained by a
16 county for public safety purposes pursuant to section 6 of P.L.2011,
17 c.178 (C.App.A:9-43.13).

18 A government record shall not include, with regard to any public
19 institution of higher education, the following information which is
20 deemed to be privileged and confidential:

21 pedagogical, scholarly and/or academic research records and/or
22 the specific details of any research project conducted under the
23 auspices of a public higher education institution in New Jersey,
24 including, but not limited to research, development information,
25 testing procedures, or information regarding test participants,
26 related to the development or testing of any pharmaceutical or
27 pharmaceutical delivery system, except that a custodian may not
28 deny inspection of a government record or part thereof that gives
29 the name, title, expenditures, source and amounts of funding and
30 date when the final project summary of any research will be
31 available;

32 test questions, scoring keys and other examination data
33 pertaining to the administration of an examination for employment
34 or academic examination;

35 records of pursuit of charitable contributions or records
36 containing the identity of a donor of a gift if the donor requires non-
37 disclosure of the donor's identity as a condition of making the gift
38 provided that the donor has not received any benefits of or from the
39 institution of higher education in connection with such gift other
40 than a request for memorialization or dedication;

41 valuable or rare collections of books or documents obtained by
42 gift, grant, bequest or devise conditioned upon limited public
43 access;

44 information contained on individual admission applications; and
45 information concerning student records or grievance or
46 disciplinary proceedings against a student to the extent disclosure
47 would reveal the identity of the student.

1 "Personal firearms record" means any information contained in a
2 background investigation conducted by the chief of police, the
3 county prosecutor, or the Superintendent of State Police, of any
4 applicant for a permit to purchase a handgun, firearms identification
5 card license, or firearms registration; any application for a permit to
6 purchase a handgun, firearms identification card license, or firearms
7 registration; any document reflecting the issuance or denial of a
8 permit to purchase a handgun, firearms identification card license,
9 or firearms registration; and any permit to purchase a handgun,
10 firearms identification card license, or any firearms license,
11 certification, certificate, form of register, or registration
12 statement. For the purposes of this paragraph, information
13 contained in a background investigation shall include, but not be
14 limited to, identity, name, address, social security number, phone
15 number, fax number, driver's license number, email address, social
16 media address of any applicant, licensee, registrant or permit
17 holder.

18 "Public agency" or "agency" means any of the principal
19 departments in the Executive Branch of State Government, and any
20 division, board, bureau, office, commission or other instrumentality
21 within or created by such department; the Legislature of the State
22 and any office, board, bureau or commission within or created by
23 the Legislative Branch; and any independent State authority,
24 commission, instrumentality or agency. The terms also mean any
25 political subdivision of the State or combination of political
26 subdivisions, and any division, board, bureau, office, commission or
27 other instrumentality within or created by a political subdivision of
28 the State or combination of political subdivisions, and any
29 independent authority, commission, instrumentality or agency
30 created by a political subdivision or combination of political
31 subdivisions.

32 "Law enforcement agency" means a public agency, or part
33 thereof, determined by the Attorney General to have law
34 enforcement responsibilities.

35 "Law enforcement officer" means a person whose public duties
36 include the power to act as an officer for the detection,
37 apprehension, arrest and conviction of offenders against the laws of
38 this State.

39 "Constituent" means any State resident or other person
40 communicating with a member of the Legislature.

41 "Judicial officer" means any active, formerly active, or retired
42 federal, state, county, or municipal judge, including a judge of the
43 Tax Court and any other court of limited jurisdiction established,
44 altered, or abolished by law, a judge of the Office of Administrative
45 Law, a judge of the Division of Workers' Compensation, and any
46 other judge established by law who serves in the executive branch.

47 "Member of the Legislature" means any person elected or
48 selected to serve in the New Jersey Senate or General Assembly.

1 "Criminal investigatory record" means a record which is not
2 required by law to be made, maintained or kept on file that is held
3 by a law enforcement agency which pertains to any criminal
4 investigation or related civil enforcement proceeding.

5 "Victim's record" means an individually-identifiable file or
6 document held by a victims' rights agency which pertains directly to
7 a victim of a crime except that a victim of a crime shall have access
8 to the victim's own records.

9 "Victim of a crime" means a person who has suffered personal or
10 psychological injury or death or incurs loss of or injury to personal
11 or real property as a result of a crime, or if such a person is
12 deceased or incapacitated, a member of that person's immediate
13 family.

14 "Victims' rights agency" means a public agency, or part thereof,
15 the primary responsibility of which is providing services, including
16 but not limited to food, shelter, or clothing, medical, psychiatric,
17 psychological or legal services or referrals, information and referral
18 services, counseling and support services, or financial services to
19 victims of crimes, including victims of sexual assault, domestic
20 violence, violent crime, child endangerment, child abuse or child
21 neglect, and the Victims of Crime Compensation Board, established
22 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as
23 the Victims of Crime Compensation Office pursuant to P.L.2007,
24 c.95 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.
25 (cf: P.L.2021, c.24, s.1)

26
27 11. Section 6 of P.L.2001, c.404 (C.47:1A-5) is amended to read
28 as follows:

29 6. a. The custodian of a government record shall permit the
30 record to be inspected, examined, and copied by any person during
31 regular business hours; or in the case of a municipality having a
32 population of 5,000 or fewer according to the most recent federal
33 decennial census, a board of education having a total district
34 enrollment of 500 or fewer, or a public authority having less than
35 \$10 million in assets, during not less than six regular business hours
36 over not less than three business days per week or the entity's
37 regularly-scheduled business hours, whichever is less; unless a
38 government record is exempt from public access by: P.L.1963, c.73
39 (C.47:1A-1 et seq.) as amended and supplemented; any other
40 statute; resolution of either or both houses of the Legislature;
41 regulation promulgated under the authority of any statute or
42 Executive Order of the Governor; Executive Order of the Governor;
43 Rules of Court; any federal law; federal regulation; or federal order.
44 Prior to allowing access to any government record, the custodian
45 thereof shall redact from that record any information which
46 discloses the social security number, credit card number, unlisted
47 telephone number, or driver license number of any person, or , in
48 accordance with section 2 of P.L. , c. (C.) (pending before

1 the Legislature as this bill), the home address, whether a primary or
2 secondary residence, of any active, formerly active, or retired
3 judicial officer **【or】** , prosecutor, **【and any active, formerly active,**
4 **or retired】** or law enforcement officer, or, as defined in section 1 of
5 P.L. , c. (C.) (pending before the Legislature as this bill),
6 any immediate family member thereof; except for use by any
7 government agency, including any court or law enforcement
8 agency, in carrying out its functions, or any private person or entity
9 acting on behalf thereof, or any private person or entity seeking to
10 enforce payment of court-ordered child support; except with respect
11 to the disclosure of driver information by the New Jersey Motor
12 Vehicle Commission as permitted by section 2 of P.L.1997, c.188
13 (C.39:2-3.4); and except that a social security number contained in
14 a record required by law to be made, maintained or kept on file by a
15 public agency shall be disclosed when access to the document or
16 disclosure of that information is not otherwise prohibited by State
17 or federal law, regulation or order or by State statute, resolution of
18 either or both houses of the Legislature, Executive Order of the
19 Governor, rule of court or regulation promulgated under the
20 authority of any statute or executive order of the Governor. Except
21 where an agency can demonstrate an emergent need, a regulation
22 that limits access to government records shall not be retroactive in
23 effect or applied to deny a request for access to a government
24 record that is pending before the agency, the council or a court at
25 the time of the adoption of the regulation.

26 b. (1) A copy or copies of a government record may be
27 purchased by any person upon payment of the fee prescribed by law
28 or regulation. Except as otherwise provided by law or regulation
29 and except as provided in paragraph (2) of this subsection, the fee
30 assessed for the duplication of a government record embodied in the
31 form of printed matter shall be \$0.05 per letter size page or smaller,
32 and \$0.07 per legal size page or larger. If a public agency can
33 demonstrate that its actual costs for duplication of a government
34 record exceed the foregoing rates, the public agency shall be
35 permitted to charge the actual cost of duplicating the record. The
36 actual cost of duplicating the record, upon which all copy fees are
37 based, shall be the cost of materials and supplies used to make a
38 copy of the record, but shall not include the cost of labor or other
39 overhead expenses associated with making the copy except as
40 provided for in subsection c. of this section. Access to electronic
41 records and non-printed materials shall be provided free of charge,
42 but the public agency may charge for the actual costs of any needed
43 supplies such as computer discs.

44 (2) No fee shall be charged to a victim of a crime for a copy or
45 copies of a record to which the crime victim is entitled to access, as
46 provided in section 1 of P.L.1995, c.23 (C.47:1A-1.1).

47 c. Whenever the nature, format, manner of collation, or volume
48 of a government record embodied in the form of printed matter to

1 be inspected, examined, or copied pursuant to this section is such
2 that the record cannot be reproduced by ordinary document copying
3 equipment in ordinary business size or involves an extraordinary
4 expenditure of time and effort to accommodate the request, the
5 public agency may charge, in addition to the actual cost of
6 duplicating the record, a special service charge that shall be
7 reasonable and shall be based upon the actual direct cost of
8 providing the copy or copies; provided, however, that in the case of
9 a municipality, rates for the duplication of particular records when
10 the actual cost of copying exceeds the foregoing rates shall be
11 established in advance by ordinance. The requestor shall have the
12 opportunity to review and object to the charge prior to it being
13 incurred.

14 d. A custodian shall permit access to a government record and
15 provide a copy thereof in the medium requested if the public agency
16 maintains the record in that medium. If the public agency does not
17 maintain the record in the medium requested, the custodian shall
18 either convert the record to the medium requested or provide a copy
19 in some other meaningful medium. If a request is for a record: (1)
20 in a medium not routinely used by the agency; (2) not routinely
21 developed or maintained by an agency; or (3) requiring a substantial
22 amount of manipulation or programming of information technology,
23 the agency may charge, in addition to the actual cost of duplication,
24 a special charge that shall be reasonable and shall be based on the
25 cost for any extensive use of information technology, or for the
26 labor cost of personnel providing the service, that is actually
27 incurred by the agency or attributable to the agency for the
28 programming, clerical, and supervisory assistance required, or both.

29 e. Immediate access ordinarily shall be granted to budgets, bills,
30 vouchers, contracts, including collective negotiations agreements
31 and individual employment contracts, and public employee salary
32 and overtime information.

33 f. The custodian of a public agency shall adopt a form for the
34 use of any person who requests access to a government record held
35 or controlled by the public agency. The form shall provide space
36 for the name, address, and phone number of the requestor and a
37 brief description of the government record sought. The form shall
38 include space for the custodian to indicate which record will be
39 made available, when the record will be available, and the fees to be
40 charged. The form shall also include the following: (1) specific
41 directions and procedures for requesting a record; (2) a statement as
42 to whether prepayment of fees or a deposit is required; (3) the time
43 period within which the public agency is required by P.L.1963, c.73
44 (C.47:1A-1 et seq.) as amended and supplemented, to make the
45 record available; (4) a statement of the requestor's right to challenge
46 a decision by the public agency to deny access and the procedure
47 for filing an appeal; (5) space for the custodian to list reasons if a
48 request is denied in whole or in part; (6) space for the requestor to

1 sign and date the form; (7) space for the custodian to sign and date
2 the form if the request is fulfilled or denied. The custodian may
3 require a deposit against costs for reproducing documents sought
4 through an anonymous request whenever the custodian anticipates
5 that the information thus requested will cost in excess of \$5 to
6 reproduce.

7 g. A request for access to a government record shall be in
8 writing and hand-delivered, mailed, transmitted electronically, or
9 otherwise conveyed to the appropriate custodian. A custodian shall
10 promptly comply with a request to inspect, examine, copy, or
11 provide a copy of a government record. If the custodian is unable
12 to comply with a request for access, the custodian shall indicate the
13 specific basis therefor on the request form and promptly return it to
14 the requestor. The custodian shall sign and date the form and
15 provide the requestor with a copy thereof. If the custodian of a
16 government record asserts that part of a particular record is exempt
17 from public access pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.)
18 as amended and supplemented, the custodian shall delete or excise
19 from a copy of the record that portion which the custodian asserts is
20 exempt from access and shall promptly permit access to the
21 remainder of the record. If the government record requested is
22 temporarily unavailable because it is in use or in storage, the
23 custodian shall so advise the requestor and shall make arrangements
24 to promptly make available a copy of the record. If a request for
25 access to a government record would substantially disrupt agency
26 operations, the custodian may deny access to the record after
27 attempting to reach a reasonable solution with the requestor that
28 accommodates the interests of the requestor and the agency.

29 h. Any officer or employee of a public agency who receives a
30 request for access to a government record shall forward the request
31 to the custodian of the record or direct the requestor to the
32 custodian of the record.

33 i. (1) Unless a shorter time period is otherwise provided by
34 statute, regulation, or executive order, a custodian of a government
35 record shall grant access to a government record or deny a request
36 for access to a government record as soon as possible, but not later
37 than seven business days after receiving the request, provided that
38 the record is currently available and not in storage or archived. In
39 the event a custodian fails to respond within seven business days
40 after receiving a request, the failure to respond shall be deemed a
41 denial of the request, unless the requestor has elected not to provide
42 a name, address or telephone number, or other means of contacting
43 the requestor. If the requestor has elected not to provide a name,
44 address, or telephone number, or other means of contacting the
45 requestor, the custodian shall not be required to respond until the
46 requestor reappears before the custodian seeking a response to the
47 original request. If the government record is in storage or archived,
48 the requestor shall be so advised within seven business days after

1 the custodian receives the request. The requestor shall be advised
2 by the custodian when the record can be made available. If the
3 record is not made available by that time, access shall be deemed
4 denied.

5 (2) During a period declared pursuant to the laws of this State as
6 a state of emergency, public health emergency, or state of local
7 disaster emergency, the deadlines by which to respond to a request
8 for, or grant or deny access to, a government record under
9 paragraph (1) of this subsection or subsection e. of this section shall
10 not apply, provided, however, that the custodian of a government
11 record shall make a reasonable effort, as the circumstances permit,
12 to respond to a request for access to a government record within
13 seven business days or as soon as possible thereafter.

14 j. A custodian shall post prominently in public view in the part
15 or parts of the office or offices of the custodian that are open to or
16 frequented by the public a statement that sets forth in clear, concise
17 and specific terms the right to appeal a denial of, or failure to
18 provide, access to a government record by any person for
19 inspection, examination, or copying or for purchase of copies
20 thereof and the procedure by which an appeal may be filed.

21 k. The files maintained by the Office of the Public Defender that
22 relate to the handling of any case shall be considered confidential
23 and shall not be open to inspection by any person unless authorized
24 by law, court order, or the State Public Defender.

25 (cf: P.L.2021, c.24, s.2)

26
27 12. a. The Office of Information Privacy shall establish the
28 portal required under subsection c. of section 1 of this act, P.L. ,
29 c. (C.) (pending before the Legislature as this bill) not later
30 than the 181st day next following the date of enactment.

31 b. Compliance with the provisions of this act, P.L. , c.
32 (C.) (pending before the Legislature as this bill) shall not be
33 required until the 366th day next following the date of enactment,
34 except that a public agency, person, business, or association may
35 honor a request for redaction or nondisclosure, or revocation
36 thereof, submitted by an authorized person prior thereto.

37
38 13. Section 7 of P.L.2020, c.125 (C.56:8-166.2) is repealed.

39
40 14. There shall be appropriated from the General Fund the sum
41 of \$3,000,000 to the Department of Community Affairs and such
42 other sums as are necessary, subject to the approval of the Director
43 of the Division of Budget and Accounting in the Department of the
44 Treasury, to effectuate the purposes of this act.

45
46 15. (New section) If any provision of this act or its application
47 to any person or circumstances is held invalid, the invalidity shall
48 not affect other provisions or applications of this act which can be

1 given effect without the invalid provision or application, and to this
2 end the provisions of this act are severable.

3
4 16. This act shall take effect immediately and shall be
5 retroactive to December 10, 2021.

6
7
8 STATEMENT

9
10 This bill creates, in the Department of Community Affairs, an
11 office to be known as the Office of Information Privacy. The office
12 will be led by a director, appointed by the Commissioner of
13 Community Affairs.

14 The director will establish a secure portal through which an
15 authorized person may submit or revoke a request for the redaction
16 or nondisclosure of a covered person's home address from certain
17 public records and Internet postings. A person must submit a
18 request through the portal and be approved by the director of the
19 Office of Information Privacy in order for an address to be subject
20 to redaction or nondisclosure.

21 Under the bill, a "covered person" is an active, formerly active,
22 or retired judicial officer, prosecutor, or law enforcement officer,
23 and any immediate family member residing in the same household
24 as the judicial officer, prosecutor, or law enforcement officer. An
25 "authorized person" includes covered persons and also includes: (1)
26 a designee of the U.S. Marshals Service or of a U.S. District Court
27 Clerk, who is permitted to submit a request on behalf of any federal
28 judge; (2) a person acting as a designated trustee, as an estate
29 executor, or pursuant to a written power of attorney or other legal
30 instrument, on behalf of any covered person who is deceased or
31 medically or psychologically incapacitated; and (3) the parent or
32 legal guardian of any immediate family member who is a minor. An
33 "immediate family member" includes any family member related by
34 blood or by law to judicial officer, prosecutor, or law enforcement
35 officer and who lives in the same residence. An immediate family
36 member who no longer resides with the judicial officer, prosecutor,
37 or law enforcement officer must notify the office within 30 days of
38 that occurrence.

39 The director is also to establish a process by which a person or
40 entity may request receipt of an unredacted record and a process for
41 evaluating any other exceptions to the requirement for redaction or
42 nondisclosure under the bill.

43 The bill requires any person seeking redaction or nondisclosure
44 to acknowledge in writing that the person understands that certain
45 rights, duties, and obligations are affected as a result of the request,
46 including:

47 (1) the receipt of certain notices from non-governmental entities
48 under the "Municipal Land Use Law;"

- 1 (2) the signing of candidate petitions;
- 2 (3) eligibility for election to public office, or the appointment to
- 3 certain public positions;
- 4 (4) the sale or purchase of a home or other property, and the
- 5 recordation or notice of any encumbrances on real or other
- 6 property;
- 7 (5) the ability to be notified of any class action suit or
- 8 settlement; and
- 9 (6) any other legal, promotional, or official notice which would
- 10 otherwise be provided.

11 The bill also provides for certain exceptions. Under the bill,
12 unredacted voter records may only be provided to candidates,
13 chairpersons of the county or municipal political party committees,
14 or any other person serving as an elections challenger. Documents
15 affecting title to real property may instead include redactions of
16 names or other information, as determined by the Director of the
17 Division of Taxation, and may only be provided as unredacted to
18 title insurance companies and agents, approved attorneys, mortgage
19 guarantee insurance companies, registered title search business
20 entities, which are newly defined in the bill, real estate brokers and
21 salespersons, and any person making or receiving an offer for the
22 purchase of property. Unredacted addresses may also be provided to
23 labor unions, government agency vendors and contractors, and upon
24 court order. The following documents are not subject to redaction
25 under the bill: business filings, candidate petitions; records
26 evidencing encumbrances on real or other property, and unclaimed
27 property, and, when viewed in person, property tax assessment lists
28 and the indexes of recorded documents maintained by county
29 recording officers. Records that are very old or for other reasons
30 can only be viewed in person may be left unredacted, but the
31 government records custodian must make every effort to hide a
32 protected address when allowing an individual to view the record.

33 As defined in the bill, a title search business entity means any
34 person or entity organized under the laws of this State or another
35 state for the primary purpose of determining the existence of any
36 lien, lawsuit, lease, easement, mortgage or other encumbrance or
37 restriction, or ownership interest, on any property and regularly
38 conducts business with any title insurance company or title
39 insurance agent. The bill requires title search business entities to
40 register with and be subject to regulation by the Department of
41 Banking and Insurance. The business entities will also register with
42 the Division of Revenue and Enterprise Services in the Department
43 of the Treasury, or the county clerk, as appropriate.

44 The bill prohibits State and local government agencies from
45 knowingly posting protected home addresses on the internet 31 days
46 or more after an address is granted protection by the Office of
47 Information Privacy, unless the agency receives written permission
48 otherwise. Public agencies are also to redact or cease disclosing

1 protected information in records within 30 days of approval of a
2 request by the Office of Information Privacy.

3 The bill also amends sections of current law requiring private
4 persons, businesses, and associations to redact protected addresses
5 by requiring that a covered person submit a request for the
6 redaction of the covered person's address or unpublished telephone
7 number. Previous law prohibited private persons, businesses, and
8 associations from making this information available but did not
9 specify how those persons, businesses, or associations were to know
10 which addresses to redact. Under the bill, a person, business, or
11 association receiving the request will have 10 business days to
12 remove the address or unpublished telephone number or face certain
13 criminal or civil penalties. The bill combines two sections of law
14 providing for civil relief and, therefore, repeals one of the sections.
15 The bill also amends these sections to provide the same protection
16 to immediate family members residing in the same household as a
17 judicial officer, prosecutor, or law enforcement officer.

18 The bill also repeals a section of law concerning the request by
19 any active, formerly active, or retired judicial officer, or prosecutor,
20 to remove certain identifying information from the Internet or
21 where otherwise made available.