

[First Reprint]

## **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)**

**Co-Sponsored by:**

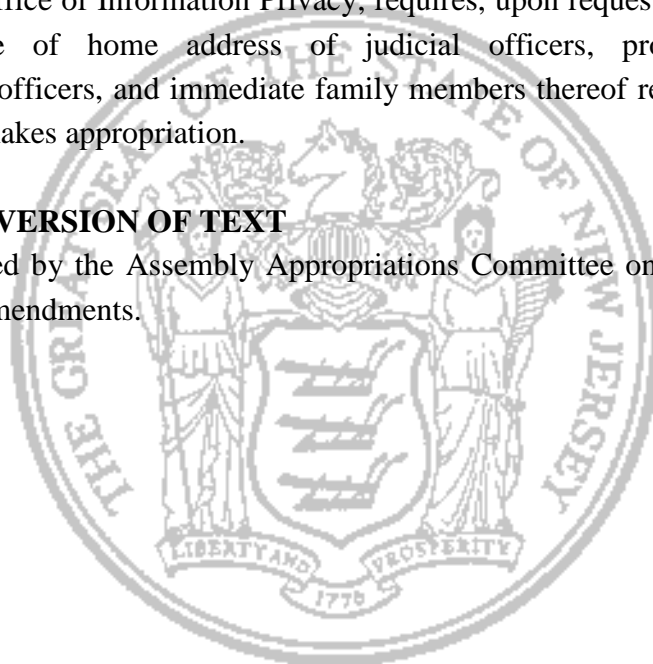
**Assemblywoman Swain**

### **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 reported by the Assembly Appropriations Committee on December 13, 2021, with amendments.



**(Sponsorship Updated As Of: 12/20/2021)**

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 act,  
 12 P.L. , c. (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  
 29 P.L. , c. (C. ) (pending before the Legislature as this bill) in  
 30 the stead of 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.

**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.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AAP committee amendments adopted December 13, 2021.

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

6       c. The director shall establish:

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

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

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

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

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

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

32       (2) The director may issue any guidance, guidelines, decisions,  
33 or rules and regulations necessary to effectuate the purposes of this  
34 act. The rules and regulations shall be effective immediately upon  
35 filing with the Office of Administrative Law for a period not to  
36 exceed 18 months, and shall, thereafter, be amended, adopted, or  
37 readopted in accordance with the provisions of the "Administrative  
38 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).  
39

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

1 nondisclosure if a request is submitted to and approved by the  
2 Director of the Office of Information Privacy.

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

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

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

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

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

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

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

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

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

39

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

46 (1) Copies of voter registration files maintained in the Statewide  
47 voter registration system pursuant to section 2 of P.L.2005, c.145  
48 (C.19:31-32) and maintained by the commissioner of registration in

1 each county pursuant to R.S.19:31-3 shall be provided as redacted  
2 pursuant to section 2 of P.L. , c. (C. ) (pending before the  
3 Legislature as this bill), except that copies of the files as unredacted  
4 pursuant thereto shall be provided to the following individuals,  
5 upon the individual's signing of an affidavit attesting to the  
6 individual's qualifying status pursuant hereto:

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

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

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

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

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

27 This paragraph shall apply to registry lists as described in section  
28 2 of P.L.1947, c.347 (C.19:31-18.1).

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

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

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

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

- 1 (b) a mortgage guarantee insurance company, as described in  
2 section 4 of P.L.1968, c.248 (C.17:46A-4);
- 3 (c) a mortgage loan originator, as defined in section 3 of  
4 P.L.2009, c.53 (C.17:11C-53);
- 5 (d) a registered title search business entity, as defined in section  
6 4 of P.L. , c. (C. ) (pending before the Legislature as this  
7 bill);
- 8 (e) a real estate broker, a real estate salesperson, a real estate  
9 salesperson licensed with a real estate referral company, or a real  
10 estate referral company, as such terms are defined in R.S.45:15-3;  
11 and
- 12 (f) an individual or business that has made or received an offer  
13 for the purchase of real estate and real property, or any portion  
14 thereof, to or from a covered person whose address is subject to  
15 redaction or nondisclosure pursuant to section 2 of  
16 P.L. , c. (C. ) (pending before the Legislature as this bill).
- 17 This act shall not be construed to prohibit a county recording  
18 officer from returning a document as unredacted to any person who  
19 submitted the document for recordation.
- 20 (3) A home address as unredacted may be provided by a public  
21 agency to the majority representative of such agency's employees.
- 22 (4) The following shall not be subject to redaction or  
23 nondisclosure pursuant to subsection 2 of P.L. , c. (C. )  
24 (pending before the Legislature as this bill):
- 25 (a) records and documents, including Uniform Commercial  
26 Code filings and financing statements, maintained by the Division  
27 of Revenue and Enterprise Services in the Department of the  
28 Treasury;
- 29 (b) petitions naming candidates for office pursuant to R.S.19:13-  
30 1 and R.S.19:13-4;
- 31 (c) petitions signed in accordance with R.S.19:13-6;
- 32 (d) records evidencing any lien, judgement, or other  
33 encumbrance upon real or other property;
- 34 (e) assessment lists subject to inspection pursuant to R.S.54:4-  
35 38 when inspected in person;
- 36 (f) the index of all recorded documents maintained by a county  
37 recording officer as under N.J.S.46:26A-8 when inspected in  
38 person; and
- 39 (g) property that is presumed abandoned under the "Uniform  
40 Unclaimed Property Act," P.L.1989, c.58 (C.46:30B-1 et seq.).
- 41 (5) A public agency may share unredacted information with any  
42 vendor, contractor, or organization to carry out the purposes for  
43 which the public agency entered into an agreement with the vendor,  
44 contractor, or organization. The vendor, contractor, or organization  
45 shall not use such information in any manner other than as  
46 necessary to carry out the purposes of the agreement.

1 (6) For a record or other document containing a home address  
2 required to be redacted pursuant to section 2 of  
3 P.L. , c. (C. ) (pending before the Legislature as this bill)  
4 that, because of the characteristics or properties of the record or  
5 document, is only available to be viewed in person, a custodian or  
6 other government official shall make every reasonable effort to hide  
7 such address when allowing an individual without authority to view  
8 such address as unredacted to view the record or document.

9 b. Nothing in this act shall be construed to require redaction or  
10 nondisclosure of any information in any document, record,  
11 information, or database shared with or otherwise provided to any  
12 other government entity.

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

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

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

29  
30 4. (New section) a. As used in this section:

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

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

44 c. The Commissioner of Banking and Insurance may issue  
45 rules and regulations necessary to effectuate the purposes of this  
46 section. The rules and regulations shall be effective immediately  
47 upon filing with the Office of Administrative Law for a period not  
48 to exceed 18 months and may, thereafter, be amended, adopted, or

1 readopted in accordance with the “Administrative Procedure Act,”  
2 P.L.1968, c.410 (C.52:14B-1 et seq.).

3  
4 5. Section 1 of P.L.2015, c.226 (C.2C:20-31.1) is amended to  
5 read as follows:

6 1. **[A]** a. For the purposes of this section:

7 “Authorized person” means a covered person or any of the  
8 following persons hereby authorized to submit or revoke a request  
9 for the redaction or nondisclosure of a home address or unpublished  
10 telephone number on behalf of a covered person pursuant to  
11 subsection c. of this section:

12 (1) on behalf of any federal judge, a designee of the United  
13 States Marshals Service or of the clerk of any United States District  
14 Court;

15 (2) on behalf of any covered person who is deceased or  
16 medically or psychologically incapacitated, a person acting on  
17 behalf of the covered person as a designated trustee, as an estate  
18 executor, or pursuant to a written power of attorney or other legal  
19 instrument; and

20 (3) on behalf of any immediate family member who is a minor  
21 and who is otherwise entitled to address redaction or nondisclosure  
22 pursuant to this act, P.L. , c. (C. ) (pending before the  
23 Legislature as this bill), the parent or legal guardian thereof.

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

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

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

38 b. Upon notification pursuant to subsection c. of this section,  
39 and not later than 10 business days after receipt thereof, a person  
40 shall not knowingly, with purpose to expose another to harassment  
41 or risk of harm to life or property, or in reckless disregard of the  
42 probability of such exposure, post **[or]** , repost, publish, or  
43 republish on the Internet **[, or repost, republish]**, or otherwise make  
44 available, the home address or unpublished home telephone number  
45 of any **[active, formerly active, or retired judicial officer, as defined**  
46 by section 1 of P.L.1995, c.23 (C.47:1A-1.1), prosecutor, or law  
47 enforcement officer, or the spouse or child thereof] covered person,



1 except in compliance with any court order, law enforcement  
2 investigation, or request by a government agency or person duly  
3 acting on behalf of the agency.

4 c. An authorized person, as defined in subsection a. of this  
5 section, seeking to prohibit the disclosure of the home address or  
6 unpublished home telephone number of any covered person  
7 consistent with subsection b. of this section shall provide written  
8 notice to the person from whom they are seeking nondisclosure that  
9 they are an authorized person and requesting that such person cease  
10 the disclosure of such information and remove the protected  
11 information from the Internet or where otherwise made available.

12 d. A reckless violation of subsection b. of this section is a  
13 crime of the fourth degree. A purposeful violation of subsection b.  
14 of this section is a crime of the third degree.

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

26 <sup>1</sup>f. Nothing herein shall be construed to impose liability on the  
27 news media for failure to remove information from previously  
28 printed newspapers. As used in this subsection, “news media”  
29 means newspapers, magazines, press associations, news agencies,  
30 wire services, or other similar printed means of disseminating news  
31 to the general public.<sup>1</sup>

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

33  
34 6. Section 2 of P.L.1947, c.347 (C.19:31-18.1) is amended to  
35 read as follows:

36 2. a. The county clerk in all counties shall cause copies of the  
37 registry lists, certified and transmitted under R.S.19:31-18, to be  
38 printed, and shall furnish to any voter applying for the same such  
39 copies, charging therefor \$0.25 per copy of the list of voters of each  
40 election district. The clerk shall also furnish five printed copies  
41 thereof to each district board, which shall within two days post two  
42 such registry lists, one in the polling place and one in another  
43 conspicuous place within the election district. The county clerk  
44 shall also forthwith deliver to the superintendent of elections of the  
45 county, if any there be, and to the chairmen of the county  
46 committees of each of the several political parties in the county,  
47 five copies of the lists of voters of each election district in the  
48 county; and to the municipal clerk of each of the municipalities in

1 the county five copies of the lists of voters of each election district  
2 in such municipality; and to the county board 10 copies of the lists  
3 of voters of each election district in each of such municipalities.  
4 The county clerk shall also, upon the request of the chairman of the  
5 State committee of any of the several political parties, but not more  
6 than once in each calendar year, forthwith deliver a copy of the lists  
7 of voters of each election district in each of the municipalities in his  
8 county. In no case shall a list of registered voters furnished pursuant  
9 to this section include voter signatures or, except as otherwise  
10 provided in section 3 of P.L. , c. (C. ) (pending before the  
11 Legislature as this bill), the home address of a covered person, as  
12 defined in section 1 of P.L. , c. (C. ) (pending before the  
13 Legislature as this bill), who has received approval from the Office  
14 of Information Privacy for the redaction or nondisclosure of the  
15 covered person's address. The county clerk shall satisfy the request  
16 by delivery of a computer-generated or electronic copy of the list  
17 for the county from the Statewide voter registration system.

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

24 c. No person shall use voter registration lists or copies thereof  
25 prepared pursuant to this section as a basis for commercial or  
26 charitable solicitation of the voters listed thereon. Any person  
27 making such use of such lists or copies thereof shall be a disorderly  
28 person, and shall be punished by a fine not exceeding \$500.00.  
29 (cf: P.L.2005, c.145, s.14)  
30

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

33 2. **【A】** Except as otherwise provided pursuant to sections 1  
34 through 3 of P.L. , c. (C. ) (pending before the Legislature  
35 as this bill), a State or local governmental agency shall not  
36 knowingly post 【or】 , repost, publish , or republish on the Internet  
37 【, or repost, republish, or otherwise make available,】 the home  
38 address 【or unpublished home telephone number】 of any 【active,  
39 formerly active, or retired judicial officer, as defined by section 1 of  
40 P.L.1995, c.23 (C.47:1A-1.1), prosecutor, or law enforcement  
41 officer without first obtaining】 covered person approved by the  
42 Office of Information Privacy pursuant to section 2 of  
43 P.L. , c. (C. ) (pending before the Legislature as this bill),  
44 31 days or more following such approval, unless the agency obtains  
45 the written permission of that person.

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

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

3       3. a. **【A】** (1) Upon notification pursuant to paragraph (2) of  
4 this subsection, and not later than 10 business days following  
5 receipt thereof, a person, business, or association shall not disclose  
6 or re-disclose on the Internet **【**, or re-disclose**】** or otherwise make  
7 available, the home address or unpublished home telephone number  
8 of any **【**active, formerly active, or retired judicial officer, as defined  
9 by section 1 of P.L.1995, c.23 (C.47:1A-1.1), prosecutor, or law  
10 enforcement officer under circumstances in which a reasonable  
11 person would believe that providing that information would expose  
12 another to harassment or risk of harm to life or property**】** covered  
13 person, as defined in subsection d. of this section, who has received  
14 approval from the Office of Information Privacy for the redaction or  
15 nondisclosure of the covered person's address.

16       (2) An authorized person, seeking to prohibit the disclosure of  
17 the home address or unpublished home telephone number of any  
18 covered person consistent with paragraph (1) of this subsection  
19 shall provide written notice to the person from whom they are  
20 seeking nondisclosure that they are an authorized person and  
21 requesting that the person cease the disclosure of the information  
22 and remove the protected information from the Internet or where  
23 otherwise made available.

24       (3) An immediate family member who has provided notice  
25 pursuant to paragraph (2) of this subsection and who no longer  
26 resides with the judicial officer, prosecutor, or law enforcement  
27 officer shall provide notice to that effect to the person, business, or  
28 association not later than 30 days from the date on which the  
29 immediate family member no longer resided with the judicial  
30 officer, prosecutor, or law enforcement officer.

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

35       c. The court may award:

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

38       (2) punitive damages upon proof of willful or reckless disregard  
39 of the law;

40       (3) reasonable attorney's fees and other litigation costs  
41 reasonably incurred; and

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

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

45       "Authorized person" means a covered person or any of the  
46 following persons hereby authorized to submit or revoke a request

1 for the redaction or nondisclosure of a home address on behalf of a  
2 covered person:

3 (1) on behalf of any federal judge, a designee of the United  
4 States Marshals Service or of the clerk of any United States District  
5 Court;

6 (2) on behalf of any covered person who is deceased or  
7 medically or psychologically incapacitated, a person acting on  
8 behalf of the covered person as a designated trustee, as an estate  
9 executor, or pursuant to a written power of attorney or other legal  
10 instrument; and

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

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

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

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

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

31 e. This section shall not be construed to prohibit a person,  
32 business, or association who has received information as unredacted  
33 pursuant to the provisions of sections 1 through 3 of  
34 P.L. , c. (C. ) (pending before the Legislature as this bill)  
35 from making the information available consistent with the purposes  
36 for which the person, business, or association received the  
37 information. A person, business, or association that uses or makes  
38 available the information in a way that is inconsistent with the  
39 purposes for which the person, business, or association received the  
40 information shall be liable as provided pursuant to subsection c. of  
41 this section.

42 <sup>1</sup>f. Nothing herein shall be construed to impose liability on the  
43 news media for failure to remove information from previously  
44 printed newspapers. As used in this subsection, “news media”  
45 means newspapers, magazines, press associations, news agencies,  
46 wire services, or other similar printed means of disseminating news  
47 to the general public.<sup>1</sup>

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

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

2       46:26A-12 a. **【Any】** Notwithstanding the provisions of  
3 P.L. , c. (C. ) (pending before the Legislature as this bill),  
4 any recorded document affecting the title to real property is, from  
5 the time of recording, notice to all subsequent purchasers,  
6 mortgagees and judgment creditors of the execution of the  
7 document recorded and its contents.

8       b. A claim under a recorded document affecting the title to real  
9 property shall not be subject to the effect of a document that was  
10 later recorded or was not recorded unless the claimant was on notice  
11 of the later recorded or unrecorded document.

12       c. A deed or other conveyance of an interest in real property shall  
13 be of no effect against subsequent judgment creditors without  
14 notice, and against subsequent bona fide purchasers and mortgagees  
15 for valuable consideration without notice and whose conveyance or  
16 mortgage is recorded, unless that conveyance is evidenced by a  
17 document that is first recorded.

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

19

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

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

24       "Biotechnology" means any technique that uses living  
25 organisms, or parts of living organisms, to make or modify  
26 products, to improve plants or animals, or to develop micro-  
27 organisms for specific uses; including the industrial use of  
28 recombinant DNA, cell fusion, and novel bioprocessing techniques.

29       "Custodian of a government record" or "custodian" means in the  
30 case of a municipality, the municipal clerk and in the case of any  
31 other public agency, the officer officially designated by formal  
32 action of that agency's director or governing body, as the case may  
33 be.

34       "Government record" or "record" means any paper, written or  
35 printed book, document, drawing, map, plan, photograph,  
36 microfilm, data processed or image processed document,  
37 information stored or maintained electronically or by sound-  
38 recording or in a similar device, or any copy thereof, that has been  
39 made, maintained or kept on file in the course of his or its official  
40 business by any officer, commission, agency or authority of the  
41 State or of any political subdivision thereof, including subordinate  
42 boards thereof, or that has been received in the course of his or its  
43 official business by any such officer, commission, agency, or  
44 authority of the State or of any political subdivision thereof,  
45 including subordinate boards thereof. The terms shall not include  
46 inter-agency or intra-agency advisory, consultative, or deliberative  
47 material.

1       A government record shall not include the following information  
2       which is deemed to be confidential for the purposes of P.L.1963,  
3       c.73 (C.47:1A-1 et seq.) as amended and supplemented:  
4       information received by a member of the Legislature from a  
5       constituent or information held by a member of the Legislature  
6       concerning a constituent, including but not limited to information in  
7       written form or contained in any e-mail or computer data base, or in  
8       any telephone record whatsoever, unless it is information the  
9       constituent is required by law to transmit;  
10      any memorandum, correspondence, notes, report or other  
11      communication prepared by, or for, the specific use of a member of  
12      the Legislature in the course of the member's official duties, except  
13      that this provision shall not apply to an otherwise publicly-  
14      accessible report which is required by law to be submitted to the  
15      Legislature or its members;  
16      any copy, reproduction or facsimile of any photograph, negative  
17      or print, including instant photographs and videotapes of the body,  
18      or any portion of the body, of a deceased person, taken by or for the  
19      medical examiner at the scene of death or in the course of a post  
20      mortem examination or autopsy made by or caused to be made by  
21      the medical examiner except:  
22      when used in a criminal action or proceeding in this State which  
23      relates to the death of that person,  
24      for the use as a court of this State permits, by order after good  
25      cause has been shown and after written notification of the request  
26      for the court order has been served at least five days before the  
27      order is made upon the county prosecutor for the county in which  
28      the post mortem examination or autopsy occurred,  
29      for use in the field of forensic pathology or for use in medical or  
30      scientific education or research, or  
31      for use by any law enforcement agency in this State or any other  
32      state or federal law enforcement agency;  
33      criminal investigatory records;  
34      victims' records, except that a victim of a crime shall have access  
35      to the victim's own records;  
36      any written request by a crime victim for a record to which the  
37      victim is entitled to access as provided in this section, including,  
38      but not limited to, any law enforcement agency report, domestic  
39      violence offense report, and temporary or permanent restraining  
40      order;  
41      personal firearms records, except for use by any person  
42      authorized by law to have access to these records or for use by any  
43      government agency, including any court or law enforcement  
44      agency, for purposes of the administration of justice;  
45      personal identifying information received by the Division of Fish  
46      and Wildlife in the Department of Environmental Protection in  
47      connection with the issuance of any license authorizing hunting  
48      with a firearm. For the purposes of this paragraph, personal

1 identifying information shall include, but not be limited to, identity,  
2 name, address, social security number, telephone number, fax  
3 number, driver's license number, email address, or social media  
4 address of any applicant or licensee;  
5 trade secrets and proprietary commercial or financial information  
6 obtained from any source. For the purposes of this paragraph, trade  
7 secrets shall include data processing software obtained by a public  
8 body under a licensing agreement which prohibits its disclosure;  
9 any record within the attorney-client privilege. This paragraph  
10 shall not be construed as exempting from access attorney or  
11 consultant bills or invoices except that such bills or invoices may be  
12 redacted to remove any information protected by the attorney-client  
13 privilege;  
14 administrative or technical information regarding computer  
15 hardware, software and networks which, if disclosed, would  
16 jeopardize computer security;  
17 emergency or security information or procedures for any  
18 buildings or facility which, if disclosed, would jeopardize security  
19 of the building or facility or persons therein;  
20 security measures and surveillance techniques which, if  
21 disclosed, would create a risk to the safety of persons, property,  
22 electronic data or software;  
23 information which, if disclosed, would give an advantage to  
24 competitors or bidders;  
25 information generated by or on behalf of public employers or  
26 public employees in connection with any sexual harassment  
27 complaint filed with a public employer or with any grievance filed  
28 by or against an individual or in connection with collective  
29 negotiations, including documents and statements of strategy or  
30 negotiating position;  
31 information which is a communication between a public agency  
32 and its insurance carrier, administrative service organization or risk  
33 management office;  
34 information which is to be kept confidential pursuant to court  
35 order;  
36 any copy of form DD-214, NGB-22, or that form, issued by the  
37 United States Government, or any other certificate of honorable  
38 discharge, or copy thereof, from active service or the reserves of a  
39 branch of the Armed Forces of the United States, or from service in  
40 the organized militia of the State, that has been filed by an  
41 individual with a public agency, except that a veteran or the  
42 veteran's spouse or surviving spouse shall have access to the  
43 veteran's own records;  
44 any copy of an oath of allegiance, oath of office or any  
45 affirmation taken upon assuming the duties of any public office, or  
46 that oath or affirmation, taken by a current or former officer or  
47 employee in any public office or position in this State or in any  
48 county or municipality of this State, including members of the

1 Legislative Branch, Executive Branch, Judicial Branch, and all law  
2 enforcement entities, except that the full name, title, and oath date  
3 of that person contained therein shall not be deemed confidential;

4 that portion of any document which discloses the social security  
5 number, credit card number, unlisted telephone number or driver  
6 license number of any person, or, in accordance with section 2 of  
7 P.L. , c. (C. ) (pending before the Legislature as this bill),

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

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

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

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

40 pedagogical, scholarly and/or academic research records and/or  
41 the specific details of any research project conducted under the  
42 auspices of a public higher education institution in New Jersey,  
43 including, but not limited to research, development information,  
44 testing procedures, or information regarding test participants,  
45 related to the development or testing of any pharmaceutical or  
46 pharmaceutical delivery system, except that a custodian may not  
47 deny inspection of a government record or part thereof that gives  
48 the name, title, expenditures, source and amounts of funding and



1 date when the final project summary of any research will be  
2 available;

3 test questions, scoring keys and other examination data  
4 pertaining to the administration of an examination for employment  
5 or academic examination;

6 records of pursuit of charitable contributions or records  
7 containing the identity of a donor of a gift if the donor requires non-  
8 disclosure of the donor's identity as a condition of making the gift  
9 provided that the donor has not received any benefits of or from the  
10 institution of higher education in connection with such gift other  
11 than a request for memorialization or dedication;

12 valuable or rare collections of books or documents obtained by  
13 gift, grant, bequest or devise conditioned upon limited public  
14 access;

15 information contained on individual admission applications; and  
16 information concerning student records or grievance or  
17 disciplinary proceedings against a student to the extent disclosure  
18 would reveal the identity of the student.

19 "Personal firearms record" means any information contained in a  
20 background investigation conducted by the chief of police, the  
21 county prosecutor, or the Superintendent of State Police, of any  
22 applicant for a permit to purchase a handgun, firearms identification  
23 card license, or firearms registration; any application for a permit to  
24 purchase a handgun, firearms identification card license, or firearms  
25 registration; any document reflecting the issuance or denial of a  
26 permit to purchase a handgun, firearms identification card license,  
27 or firearms registration; and any permit to purchase a handgun,  
28 firearms identification card license, or any firearms license,  
29 certification, certificate, form of register, or registration  
30 statement. For the purposes of this paragraph, information  
31 contained in a background investigation shall include, but not be  
32 limited to, identity, name, address, social security number, phone  
33 number, fax number, driver's license number, email address, social  
34 media address of any applicant, licensee, registrant or permit  
35 holder.

36 "Public agency" or "agency" means any of the principal  
37 departments in the Executive Branch of State Government, and any  
38 division, board, bureau, office, commission or other instrumentality  
39 within or created by such department; the Legislature of the State  
40 and any office, board, bureau or commission within or created by  
41 the Legislative Branch; and any independent State authority,  
42 commission, instrumentality or agency. The terms also mean any  
43 political subdivision of the State or combination of political  
44 subdivisions, and any division, board, bureau, office, commission or  
45 other instrumentality within or created by a political subdivision of  
46 the State or combination of political subdivisions, and any  
47 independent authority, commission, instrumentality or agency

1 created by a political subdivision or combination of political  
2 subdivisions.

3 "Law enforcement agency" means a public agency, or part  
4 thereof, determined by the Attorney General to have law  
5 enforcement responsibilities.

6 "Law enforcement officer" means a person whose public duties  
7 include the power to act as an officer for the detection,  
8 apprehension, arrest and conviction of offenders against the laws of  
9 this State.

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

12 "Judicial officer" means any active, formerly active, or retired  
13 federal, state, county, or municipal judge, including a judge of the  
14 Tax Court and any other court of limited jurisdiction established,  
15 altered, or abolished by law, a judge of the Office of Administrative  
16 Law, a judge of the Division of Workers' Compensation, and any  
17 other judge established by law who serves in the executive branch.

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

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

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

28 "Victim of a crime" means a person who has suffered personal or  
29 psychological injury or death or incurs loss of or injury to personal  
30 or real property as a result of a crime, or if such a person is  
31 deceased or incapacitated, a member of that person's immediate  
32 family.

33 "Victims' rights agency" means a public agency, or part thereof,  
34 the primary responsibility of which is providing services, including  
35 but not limited to food, shelter, or clothing, medical, psychiatric,  
36 psychological or legal services or referrals, information and referral  
37 services, counseling and support services, or financial services to  
38 victims of crimes, including victims of sexual assault, domestic  
39 violence, violent crime, child endangerment, child abuse or child  
40 neglect, and the Victims of Crime Compensation Board, established  
41 pursuant to P.L.1971, c.317 (C.52:4B-1 et seq.) and continued as  
42 the Victims of Crime Compensation Office pursuant to P.L.2007,  
43 c.95 (C.52:4B-3.2 et al.) and Reorganization Plan No. 001-2008.  
44 (cf: P.L.2021, c.24, s.1)

45  
46 11. Section 6 of P.L.2001, c.404 (C.47:1A-5) is amended to read  
47 as follows:

1        6. a. The custodian of a government record shall permit the  
2 record to be inspected, examined, and copied by any person during  
3 regular business hours; or in the case of a municipality having a  
4 population of 5,000 or fewer according to the most recent federal  
5 decennial census, a board of education having a total district  
6 enrollment of 500 or fewer, or a public authority having less than  
7 \$10 million in assets, during not less than six regular business hours  
8 over not less than three business days per week or the entity's  
9 regularly-scheduled business hours, whichever is less; unless a  
10 government record is exempt from public access by: P.L.1963, c.73  
11 (C.47:1A-1 et seq.) as amended and supplemented; any other  
12 statute; resolution of either or both houses of the Legislature;  
13 regulation promulgated under the authority of any statute or  
14 Executive Order of the Governor; Executive Order of the Governor;  
15 Rules of Court; any federal law; federal regulation; or federal order.  
16 Prior to allowing access to any government record, the custodian  
17 thereof shall redact from that record any information which  
18 discloses the social security number, credit card number, unlisted  
19 telephone number, or driver license number of any person, or in  
20 accordance with section 2 of P.L. , c. (C. ) (pending before  
21 the Legislature as this bill), the home address, whether a primary or  
22 secondary residence, of any active, formerly active, or retired  
23 judicial officer **[or]** , prosecutor, **[and any active, formerly active,**  
24 **or retired]** or law enforcement officer, or, as defined in section 1 of  
25 P.L. , c. (C. ) (pending before the Legislature as this bill),  
26 any immediate family member thereof; except for use by any  
27 government agency, including any court or law enforcement  
28 agency, in carrying out its functions, or any private person or entity  
29 acting on behalf thereof, or any private person or entity seeking to  
30 enforce payment of court-ordered child support; except with respect  
31 to the disclosure of driver information by the New Jersey Motor  
32 Vehicle Commission as permitted by section 2 of P.L.1997, c.188  
33 (C.39:2-3.4); and except that a social security number contained in  
34 a record required by law to be made, maintained or kept on file by a  
35 public agency shall be disclosed when access to the document or  
36 disclosure of that information is not otherwise prohibited by State  
37 or federal law, regulation or order or by State statute, resolution of  
38 either or both houses of the Legislature, Executive Order of the  
39 Governor, rule of court or regulation promulgated under the  
40 authority of any statute or executive order of the Governor. Except  
41 where an agency can demonstrate an emergent need, a regulation  
42 that limits access to government records shall not be retroactive in  
43 effect or applied to deny a request for access to a government  
44 record that is pending before the agency, the council or a court at  
45 the time of the adoption of the regulation.

46        b. (1) A copy or copies of a government record may be  
47 purchased by any person upon payment of the fee prescribed by law  
48 or regulation. Except as otherwise provided by law or regulation

1 and except as provided in paragraph (2) of this subsection, the fee  
2 assessed for the duplication of a government record embodied in the  
3 form of printed matter shall be \$0.05 per letter size page or smaller,  
4 and \$0.07 per legal size page or larger. If a public agency can  
5 demonstrate that its actual costs for duplication of a government  
6 record exceed the foregoing rates, the public agency shall be  
7 permitted to charge the actual cost of duplicating the record. The  
8 actual cost of duplicating the record, upon which all copy fees are  
9 based, shall be the cost of materials and supplies used to make a  
10 copy of the record, but shall not include the cost of labor or other  
11 overhead expenses associated with making the copy except as  
12 provided for in subsection c. of this section. Access to electronic  
13 records and non-printed materials shall be provided free of charge,  
14 but the public agency may charge for the actual costs of any needed  
15 supplies such as computer discs.

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

19 c. Whenever the nature, format, manner of collation, or volume  
20 of a government record embodied in the form of printed matter to  
21 be inspected, examined, or copied pursuant to this section is such  
22 that the record cannot be reproduced by ordinary document copying  
23 equipment in ordinary business size or involves an extraordinary  
24 expenditure of time and effort to accommodate the request, the  
25 public agency may charge, in addition to the actual cost of  
26 duplicating the record, a special service charge that shall be  
27 reasonable and shall be based upon the actual direct cost of  
28 providing the copy or copies; provided, however, that in the case of  
29 a municipality, rates for the duplication of particular records when  
30 the actual cost of copying exceeds the foregoing rates shall be  
31 established in advance by ordinance. The requestor shall have the  
32 opportunity to review and object to the charge prior to it being  
33 incurred.

34 d. A custodian shall permit access to a government record and  
35 provide a copy thereof in the medium requested if the public agency  
36 maintains the record in that medium. If the public agency does not  
37 maintain the record in the medium requested, the custodian shall  
38 either convert the record to the medium requested or provide a copy  
39 in some other meaningful medium. If a request is for a record: (1)  
40 in a medium not routinely used by the agency; (2) not routinely  
41 developed or maintained by an agency; or (3) requiring a substantial  
42 amount of manipulation or programming of information technology,  
43 the agency may charge, in addition to the actual cost of duplication,  
44 a special charge that shall be reasonable and shall be based on the  
45 cost for any extensive use of information technology, or for the  
46 labor cost of personnel providing the service, that is actually  
47 incurred by the agency or attributable to the agency for the  
48 programming, clerical, and supervisory assistance required, or both.

1 e. Immediate access ordinarily shall be granted to budgets,  
2 bills, vouchers, contracts, including collective negotiations  
3 agreements and individual employment contracts, and public  
4 employee salary and overtime information.

5 f. The custodian of a public agency shall adopt a form for the  
6 use of any person who requests access to a government record held  
7 or controlled by the public agency. The form shall provide space  
8 for the name, address, and phone number of the requestor and a  
9 brief description of the government record sought. The form shall  
10 include space for the custodian to indicate which record will be  
11 made available, when the record will be available, and the fees to be  
12 charged. The form shall also include the following: (1) specific  
13 directions and procedures for requesting a record; (2) a statement as  
14 to whether prepayment of fees or a deposit is required; (3) the time  
15 period within which the public agency is required by P.L.1963, c.73  
16 (C.47:1A-1 et seq.) as amended and supplemented, to make the  
17 record available; (4) a statement of the requestor's right to challenge  
18 a decision by the public agency to deny access and the procedure  
19 for filing an appeal; (5) space for the custodian to list reasons if a  
20 request is denied in whole or in part; (6) space for the requestor to  
21 sign and date the form; (7) space for the custodian to sign and date  
22 the form if the request is fulfilled or denied. The custodian may  
23 require a deposit against costs for reproducing documents sought  
24 through an anonymous request whenever the custodian anticipates  
25 that the information thus requested will cost in excess of \$5 to  
26 reproduce.

27 g. A request for access to a government record shall be in  
28 writing and hand-delivered, mailed, transmitted electronically, or  
29 otherwise conveyed to the appropriate custodian. A custodian shall  
30 promptly comply with a request to inspect, examine, copy, or  
31 provide a copy of a government record. If the custodian is unable  
32 to comply with a request for access, the custodian shall indicate the  
33 specific basis therefor on the request form and promptly return it to  
34 the requestor. The custodian shall sign and date the form and  
35 provide the requestor with a copy thereof. If the custodian of a  
36 government record asserts that part of a particular record is exempt  
37 from public access pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.)  
38 as amended and supplemented, the custodian shall delete or excise  
39 from a copy of the record that portion which the custodian asserts is  
40 exempt from access and shall promptly permit access to the  
41 remainder of the record. If the government record requested is  
42 temporarily unavailable because it is in use or in storage, the  
43 custodian shall so advise the requestor and shall make arrangements  
44 to promptly make available a copy of the record. If a request for  
45 access to a government record would substantially disrupt agency  
46 operations, the custodian may deny access to the record after  
47 attempting to reach a reasonable solution with the requestor that  
48 accommodates the interests of the requestor and the agency.

1       h. Any officer or employee of a public agency who receives a  
2 request for access to a government record shall forward the request  
3 to the custodian of the record or direct the requestor to the  
4 custodian of the record.

5       i. (1) Unless a shorter time period is otherwise provided by  
6 statute, regulation, or executive order, a custodian of a government  
7 record shall grant access to a government record or deny a request  
8 for access to a government record as soon as possible, but not later  
9 than seven business days after receiving the request, provided that  
10 the record is currently available and not in storage or archived. In  
11 the event a custodian fails to respond within seven business days  
12 after receiving a request, the failure to respond shall be deemed a  
13 denial of the request, unless the requestor has elected not to provide  
14 a name, address or telephone number, or other means of contacting  
15 the requestor. If the requestor has elected not to provide a name,  
16 address, or telephone number, or other means of contacting the  
17 requestor, the custodian shall not be required to respond until the  
18 requestor reappears before the custodian seeking a response to the  
19 original request. If the government record is in storage or archived,  
20 the requestor shall be so advised within seven business days after  
21 the custodian receives the request. The requestor shall be advised  
22 by the custodian when the record can be made available. If the  
23 record is not made available by that time, access shall be deemed  
24 denied.

25       (2) During a period declared pursuant to the laws of this State as  
26 a state of emergency, public health emergency, or state of local  
27 disaster emergency, the deadlines by which to respond to a request  
28 for, or grant or deny access to, a government record under  
29 paragraph (1) of this subsection or subsection e. of this section shall  
30 not apply, provided, however, that the custodian of a government  
31 record shall make a reasonable effort, as the circumstances permit,  
32 to respond to a request for access to a government record within  
33 seven business days or as soon as possible thereafter.

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

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

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

- 1        12. a. The Office of Information Privacy shall establish the  
2 portal required under subsection c. of section 1 of this act,  
3 P.L. , c. (C. ) (pending before the Legislature as this bill)  
4 not later than the 181st day next following the date of enactment.  
5        b. Compliance with the provisions of this act,  
6 P.L. , c. (C. ) (pending before the Legislature as this bill)  
7 shall not be required until the 366th day next following the date of  
8 enactment, except that a public agency, person, business, or  
9 association may honor a request for redaction or nondisclosure, or  
10 revocation thereof, submitted by an authorized person prior thereto.  
11  
12        13. Section 7 of P.L.2020, c.125 (C.56:8-166.2) is repealed.  
13  
14        14. There shall be appropriated from the General Fund the sum  
15 of \$3,000,000 to the Department of Community Affairs and such  
16 other sums as are necessary, subject to the approval of the Director  
17 of the Division of Budget and Accounting in the Department of the  
18 Treasury, to effectuate the purposes of this act.  
19  
20        15. (New section) If any provision of this act or its application  
21 to any person or circumstances is held invalid, the invalidity shall  
22 not affect other provisions or applications of this act which can be  
23 given effect without the invalid provision or application, and to this  
24 end the provisions of this act are severable.  
25  
26        16. This act shall take effect immediately and shall be  
27 retroactive to December 10, 2021.