

[Second 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)

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District 33 (Hudson)

Senator JOSEPH P. CRYAN

District 20 (Union)

Senator NELLIE POU

District 35 (Bergen and Passaic)

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

Co-Sponsored by:

Assemblywoman Swain and Senator Pennacchio

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 Senate Judiciary Committee on January 6, 2022, with amendments.

(Sponsorship Updated As Of: 1/10/2022)

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,
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:

¹Assembly AAP committee amendments adopted December 13, 2021.

²Senate SJU committee amendments adopted January 6, 2022.

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
41 the requirement to redact, and the prohibition against the disclosure
42 of, 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, ²a real estate
9 broker-salesperson,² a real estate salesperson licensed with a real
10 estate referral company, or a real estate referral company, as such
11 terms are defined in R.S.45:15-3; 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.

47 (6) For a record or other document containing a home address
48 required to be redacted pursuant to section 2 of

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

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

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

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

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

27

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

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

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

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

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

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

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

9 (1) on behalf of any federal judge, a designee of the United
10 States Marshals Service or of the clerk of any United States District
11 Court;

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

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

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

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

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

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

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

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

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

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

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

30
31 6. Section 2 of P.L.1947, c.347 (C.19:31-18.1) is amended to
32 read as follows:

33 2. a. The county clerk in all counties shall cause copies of the
34 registry lists, certified and transmitted under R.S.19:31-18, to be
35 printed, and shall furnish to any voter applying for the same such
36 copies, charging therefor \$0.25 per copy of the list of voters of each
37 election district. The clerk shall also furnish five printed copies
38 thereof to each district board, which shall within two days post two
39 such registry lists, one in the polling place and one in another
40 conspicuous place within the election district. The county clerk
41 shall also forthwith deliver to the superintendent of elections of the
42 county, if any there be, and to the chairmen of the county
43 committees of each of the several political parties in the county,
44 five copies of the lists of voters of each election district in the
45 county; and to the municipal clerk of each of the municipalities in
46 the county five copies of the lists of voters of each election district
47 in such municipality; and to the county board 10 copies of the lists
48 of voters of each election district in each of such municipalities.

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

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

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

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

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

43 (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 ¹f. 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.¹

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.