Title 47.
Chapter 1B.
(New)
Redaction and Nondisclosure of Information from Public Records
§§1-3,15
C.47:1B-1 to 47:1B-4
§4
C.17:46B-1.1
§12
T & E and Note
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Repealer
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Note

P.L. 2021, CHAPTER 371, ***approved January 12, 2022***
Assembly, No. 6171 ***(Second Reprint)***

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

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

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

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

(1) on behalf of any federal judge, a designee of the United States Marshals Service or of the clerk of any United States District Court, provided that the designee submits the affirmation required under subsection d. of section 2 of P.L. , c. (C.) (pending

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:
[1]Assembly AAP committee amendments adopted December 13, 2021.
[2]Senate SJU committee amendments adopted January 6, 2022.

before the Legislature as this bill) signed by each federal judge for whom a request or revocation is made;

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

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

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

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

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

c. The director shall establish:

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

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

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

(4) a process for the evaluation of any other exceptions to the requirement for redaction or nondisclosure pursuant to section 2 of P.L. , c. (C.) (pending before the Legislature as this bill), whether categorical or individualized. The director may grant an

exception to any person or entity for the receipt of the unredacted records or information pursuant to this process.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Copies of voter registration files maintained in the Statewide voter registration system pursuant to section 2 of P.L.2005, c.145 (C.19:31-32) and maintained by the commissioner of registration in each county pursuant to R.S.19:31-3 shall be provided as redacted pursuant to section 2 of P.L. , c. (C.) (pending before the Legislature as this bill), except that copies of the files as unredacted pursuant thereto shall be provided to the following individuals, upon the individual's signing of an affidavit attesting to the individual's qualifying status pursuant hereto:

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

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

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

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

(e) upon order of a judge of the Superior Court after a finding that the unredacted copy is necessary to determine the merits of a

petition filed in accordance with R.S.19:29-3, a person filing such petition or the respondent or both.

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

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

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

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

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

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

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

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

(e) a real estate broker, a real estate salesperson, [2]a real estate broker-salesperson,[2] a real estate salesperson licensed with a real estate referral company, or a real estate referral company, as such terms are defined in R.S.45:15-3; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

e. The Director of the Division of Taxation may issue any guidance, guidelines, or rules and regulations necessary to effectuate the purposes of this section. The rules and regulations shall be effective immediately upon filing with the Office of Administrative Law for a period not to exceed 18 months, and shall, thereafter, be amended, adopted, or readopted in accordance with

the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

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

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

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

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

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

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

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

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

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

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

"Covered person" means an active, formerly active, or retired judicial officer or law enforcement officer, as those terms are defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), or prosecutor

and any immediate family member residing in the same household as the judicial officer, law enforcement officer, or prosecutor.

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

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

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

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

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

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

[1]f. Nothing herein shall be construed to impose liability on the news media for failure to remove information from previously printed newspapers. As used in this subsection, "news media" means newspapers, magazines, press associations, news agencies, wire services, or other similar printed means of disseminating news to the general public.[1]

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

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

2. a. The county clerk in all counties shall cause copies of the registry lists, certified and transmitted under R.S.19:31-18, to be printed, and shall furnish to any voter applying for the same such copies, charging therefor $0.25 per copy of the list of voters of each election district. The clerk shall also furnish five printed copies thereof to each district board, which shall within two days post two such registry lists, one in the polling place and one in another conspicuous place within the election district. The county clerk shall also forthwith deliver to the superintendent of elections of the county, if any there be, and to the chairmen of the county committees of each of the several political parties in the county, five copies of the lists of voters of each election district in the county; and to the municipal clerk of each of the municipalities in the county five copies of the lists of voters of each election district in such municipality; and to the county board 10 copies of the lists of voters of each election district in each of such municipalities. The county clerk shall also, upon the request of the chairman of the State committee of any of the several political parties, but not more than once in each calendar year, forthwith deliver a copy of the lists of voters of each election district in each of the municipalities in his county. In no case shall a list of registered voters furnished pursuant to this section include voter signatures or, except as otherwise provided in section 3 of P.L. , c. (C.) (pending before the Legislature as this bill), the home address of a covered person, as defined in section 1 of P.L. , c. (C.) (pending before the Legislature as this bill), who has received approval from the Office of Information Privacy for the redaction or nondisclosure of the covered person's address. The county clerk shall satisfy the request by delivery of a computer-generated or electronic copy of the list for the county from the Statewide voter registration system.

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

c. No person shall use voter registration lists or copies thereof prepared pursuant to this section as a basis for commercial or

charitable solicitation of the voters listed thereon. Any person making such use of such lists or copies thereof shall be a disorderly person, and shall be punished by a fine not exceeding $500.00.
(cf: P.L.2005, c.145, s.14)

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

2. ⟦A⟧ Except as otherwise provided pursuant to sections 1 through 3 of P.L. , c. (C.) (pending before the Legislature as this bill), a State or local governmental agency shall not knowingly post ⟦or⟧ , repost, publish , or republish on the Internet ⟦, or repost, republish, or otherwise make available,⟧ the home address ⟦or unpublished home telephone number⟧ of any ⟦active, formerly active, or retired judicial officer, as defined by section 1 of P.L.1995, c.23 (C.47:1A-1.1), prosecutor, or law enforcement officer without first obtaining⟧ covered person approved by the Office of Information Privacy pursuant to section 2 of P.L. , c. (C.) (pending before the Legislature as this bill), 31 days or more following such approval, unless the agency obtains the written permission of that person.
(cf: P.L.2021, c.24, s.3)

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

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

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

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

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

c. The court may award:

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

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

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

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

d. For the purposes of this section **[**, "disclose"**]** :

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

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

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

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

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

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

"Immediate family member" means a spouse, child, or parent of, or any other family member related by blood or by law to, an active, formerly active, or retired judicial officer or law enforcement officer, as those terms are defined by section 1 of P.L.1995, c.23

(C.47:1A-1.1), or prosecutor and who resides in the same household as such judicial officer, prosecutor, or law enforcement officer.

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

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

[1]f. Nothing herein shall be construed to impose liability on the news media for failure to remove information from previously printed newspapers. As used in this subsection, "news media" means newspapers, magazines, press associations, news agencies, wire services, or other similar printed means of disseminating news to the general public.[1]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

any copy, reproduction or facsimile of any photograph, negative or print, including instant photographs and videotapes of the body, or any portion of the body, of a deceased person, taken by or for the medical examiner at the scene of death or in the course of a post mortem examination or autopsy made by or caused to be made by the medical examiner except:

when used in a criminal action or proceeding in this State which relates to the death of that person,

for the use as a court of this State permits, by order after good cause has been shown and after written notification of the request for the court order has been served at least five days before the order is made upon the county prosecutor for the county in which the post mortem examination or autopsy occurred,

for use in the field of forensic pathology or for use in medical or scientific education or research, or

for use by any law enforcement agency in this State or any other state or federal law enforcement agency;

criminal investigatory records;

victims' records, except that a victim of a crime shall have access to the victim's own records;

any written request by a crime victim for a record to which the victim is entitled to access as provided in this section, including, but not limited to, any law enforcement agency report, domestic violence offense report, and temporary or permanent restraining order;

personal firearms records, except for use by any person authorized by law to have access to these records or for use by any government agency, including any court or law enforcement agency, for purposes of the administration of justice;

personal identifying information received by the Division of Fish and Wildlife in the Department of Environmental Protection in connection with the issuance of any license authorizing hunting with a firearm. For the purposes of this paragraph, personal identifying information shall include, but not be limited to, identity, name, address, social security number, telephone number, fax number, driver's license number, email address, or social media address of any applicant or licensee;

trade secrets and proprietary commercial or financial information obtained from any source. For the purposes of this paragraph, trade secrets shall include data processing software obtained by a public body under a licensing agreement which prohibits its disclosure;

any record within the attorney-client privilege. This paragraph shall not be construed as exempting from access attorney or consultant bills or invoices except that such bills or invoices may be redacted to remove any information protected by the attorney-client privilege;

administrative or technical information regarding computer hardware, software and networks which, if disclosed, would jeopardize computer security;

emergency or security information or procedures for any buildings or facility which, if disclosed, would jeopardize security of the building or facility or persons therein;

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

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

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

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

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

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

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

that portion of any document which discloses the social security number, credit card number, unlisted telephone number or driver license number of any person, or , in accordance with section 2 of P.L. , c. (C.) (pending before the Legislature as this bill), that portion of any document which discloses the home address, whether a primary or secondary residence, of any active, formerly active, or retired judicial officer **[**or**]** , prosecutor, **[**and any active, formerly active, or retired**]** or law enforcement officer, or, as defined in section 1 of P.L. , c. (C.) (pending before the Legislature as this bill), any immediate family member thereof; except for use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf thereof, or any private person or entity seeking to enforce payment of court-ordered child support; except with respect to the disclosure of driver information by the New Jersey Motor Vehicle Commission as permitted by section 2 of P.L.1997, c.188 (C.39:2-3.4); and except that a social security number contained in a record required by law to be made, maintained or kept on file by a public agency shall be disclosed

when access to the document or disclosure of that information is not otherwise prohibited by State or federal law, regulation or order or by State statute, resolution of either or both houses of the Legislature, Executive Order of the Governor, rule of court or regulation promulgated under the authority of any statute or executive order of the Governor;

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

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

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

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

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

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

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

information contained on individual admission applications; and

information concerning student records or grievance or disciplinary proceedings against a student to the extent disclosure would reveal the identity of the student.

"Personal firearms record" means any information contained in a background investigation conducted by the chief of police, the county prosecutor, or the Superintendent of State Police, of any applicant for a permit to purchase a handgun, firearms identification

card license, or firearms registration; any application for a permit to purchase a handgun, firearms identification card license, or firearms registration; any document reflecting the issuance or denial of a permit to purchase a handgun, firearms identification card license, or firearms registration; and any permit to purchase a handgun, firearms identification card license, or any firearms license, certification, certificate, form of register, or registration statement. For the purposes of this paragraph, information contained in a background investigation shall include, but not be limited to, identity, name, address, social security number, phone number, fax number, driver's license number, email address, social media address of any applicant, licensee, registrant or permit holder.

"Public agency" or "agency" means any of the principal departments in the Executive Branch of State Government, and any division, board, bureau, office, commission or other instrumentality within or created by such department; the Legislature of the State and any office, board, bureau or commission within or created by the Legislative Branch; and any independent State authority, commission, instrumentality or agency. The terms also mean any political subdivision of the State or combination of political subdivisions, and any division, board, bureau, office, commission or other instrumentality within or created by a political subdivision of the State or combination of political subdivisions, and any independent authority, commission, instrumentality or agency created by a political subdivision or combination of political subdivisions.

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

<u>“Law enforcement officer” means a person whose public duties include the power to act as an officer for the detection, apprehension, arrest and conviction of offenders against the laws of this State.</u>

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

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

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

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

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

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

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

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

6. a. The custodian of a government record shall permit the record to be inspected, examined, and copied by any person during regular business hours; or in the case of a municipality having a population of 5,000 or fewer according to the most recent federal decennial census, a board of education having a total district enrollment of 500 or fewer, or a public authority having less than $10 million in assets, during not less than six regular business hours over not less than three business days per week or the entity's regularly-scheduled business hours, whichever is less; unless a government record is exempt from public access by: P.L.1963, c.73 (C.47:1A-1 et seq.) as amended and supplemented; any other statute; resolution of either or both houses of the Legislature; regulation promulgated under the authority of any statute or Executive Order of the Governor; Executive Order of the Governor; Rules of Court; any federal law; federal regulation; or federal order. Prior to allowing access to any government record, the custodian thereof shall redact from that record any information which discloses the social security number, credit card number, unlisted telephone number, or driver license number of any person, or , in accordance with section 2 of P.L. , c. (C.) (pending before the Legislature as this bill), the home address, whether a primary or secondary residence, of any active, formerly active, or retired judicial officer ⟦or⟧ , prosecutor, ⟦and any active, formerly active, or retired⟧ or law enforcement officer, or, as defined in section 1 of

P.L. , c. (C.) (pending before the Legislature as this bill), any immediate family member thereof; except for use by any government agency, including any court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf thereof, or any private person or entity seeking to enforce payment of court-ordered child support; except with respect to the disclosure of driver information by the New Jersey Motor Vehicle Commission as permitted by section 2 of P.L.1997, c.188 (C.39:2-3.4); and except that a social security number contained in a record required by law to be made, maintained or kept on file by a public agency shall be disclosed when access to the document or disclosure of that information is not otherwise prohibited by State or federal law, regulation or order or by State statute, resolution of either or both houses of the Legislature, Executive Order of the Governor, rule of court or regulation promulgated under the authority of any statute or executive order of the Governor. Except where an agency can demonstrate an emergent need, a regulation that limits access to government records shall not be retroactive in effect or applied to deny a request for access to a government record that is pending before the agency, the council or a court at the time of the adoption of the regulation.

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

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

c. Whenever the nature, format, manner of collation, or volume of a government record embodied in the form of printed matter to be inspected, examined, or copied pursuant to this section is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size or involves an extraordinary expenditure of time and effort to accommodate the request, the

public agency may charge, in addition to the actual cost of duplicating the record, a special service charge that shall be reasonable and shall be based upon the actual direct cost of providing the copy or copies; provided, however, that in the case of a municipality, rates for the duplication of particular records when the actual cost of copying exceeds the foregoing rates shall be established in advance by ordinance. The requestor shall have the opportunity to review and object to the charge prior to it being incurred.

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

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

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

that the information thus requested will cost in excess of $5 to reproduce.

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

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

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

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

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

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

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

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

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

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

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

15. (New section) If any provision of this act or its application to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

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

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.