

POLICY

Purpose

This policy is adopted to assure compliance by the College with the applicable provisions of the New Jersey Public Access to Government Records Act (N.J.S.A. 47:A-1 et.seq.) (the "Act") which Act became effective on July 8, 2002. This policy evidences the commitment of the College to make government records, as defined in the Act, readily accessible for inspection, copying, or examination, while safeguarding from public access, proprietary or personal information entrusted to the College with the reasonable expectation of the furnishing party that the College will treat the information as confidential and/or private.

Definitions

Where used in this policy, terms defined in the Act shall have the same meaning as that set forth in the Act.

Inter-agency and intra-College office advisory, consultative, or deliberative materials are not governed by this policy as these materials are excluded under the Act from the definition of "government records".

Custodian of Government Records

The position of Custodian of Government Records is designated to discharge the responsibilities and duties imposed upon such position by the Act and to assure compliance of the College with the Act.

Any officer or employee of the College who receives a request for access to records or information falling within, or claimed to fall within, the definition of government records under the Act shall forward the request to the Custodian or direct the requestor to the Custodian if an oral request is made.

The Custodian shall make the initial determination of whether access should be granted or denied. The responsibility of the Custodian to grant or deny access shall include making the initial determination whether:

- a. the information requested is exempt from public access or excluded from the definition of government record;
- b. disclosure would otherwise violate proprietary rights or individual privacy rights recognized by law;
- c. the information requested pertains to an investigation in progress and disclosure would be inimical to the public interest; or
- d. disclosure would substantially disrupt College operations.
- e. Under penalty of NJSA 2C:28-3, applicant must certify they have not been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States, and who is seeking government records containing personal information pertaining to the person's victim or the victim's family.

In making these determinations the Custodian may seek the advice of legal counsel for the College.

If the Custodian determines that part of a particular record is exempt from public access, the Custodian shall delete or excise from a copy of the record that portion which the Custodian determines to be exempt from access and shall permit access to the remainder of the record.

If your request for access to a government record has been denied or unfilled within the time permitted by law, you have a right to challenge the decision by the Ocean County College to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint in writing with the Government Records Council (GRC). You may contact the GRC by toll-free telephone at 866-850-0511, by mail at PO Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.nj.gov/grc. The Council can also answer other questions about the law.

Exempt Records

Nothing in this policy is intended to require physical transfer or relocation of College documents that are excluded from the definition of government records and not the subject of a specific production request made under the Act ("Exempt Records"). The College administration shall retain the authority to determine the manner for collection, custody, maintenance, storage and release of Exempt Records generated or received by the College so that the same are readily available for appropriate College use and updating. Requests for access to the following Exempt Records shall be referred to the College administrator indicated:

- a. Requests from or on behalf of a current or former student for access to his/her records shall be referred to the Vice President of Student Affairs.
- b. Requests from or on behalf of a current or former employee for access to personnel records of the employee shall be referred to the Vice President of Finance.
- c. Requests from bargaining unit representatives pertaining to grievances or collective bargaining shall be referred to the Vice President of Finance.
- d. Requests from federal, state, county, or local government officials or agencies shall be referred to the College administrator responsible for legal compliance with matters within the jurisdiction of the requesting governmental authority.
- e. Requests from College insurance underwriters or risk management consultants shall be referred to the College administrator who has custody or knowledge of the information requested by insurance underwriters or risk management consultants.
- f. Requests from prospective bidders or from current or prior vendors or contractors for information regarding the purchasing by the College of services or materials shall be referred to the Vice President of Finance.
- g. Requests from professional consultants retained by the College shall be referred to the College administrator responsible for responding to the requesting consultant.

Adopted: May 28, 2002
Revised: November 5, 2007

PROCEDURE

Procedure for Requesting Government Record

Government records not exempt from public access, may be inspected, examined, and copied during regular business hours at the office of the Custodian Government Records (8:30 a.m. - 4:30 p.m.).

The Government Record Request Form attached as Form #1 ("GRR") is hereby adopted as the form to be utilized for requests made under the Act. The GRR may be hand-delivered, mailed, transmitted electronically, or otherwise conveyed to the Custodian. Upon receipt of the GRR the Custodian shall promptly respond indicating whether the record will be made available, when the record will be available, and the fees to be charged. If the Custodian is unable to comply with a request for access, or is unable to produce the information within the applicable time specified in the Act, the Custodian shall indicate the specific basis therefore on the GRR form and promptly return the GRR form to the requestor.

If the College 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.

Reproduction Fees and Special Service Charges

Copies of government records may be purchased upon payment of the fee prescribed below ("Reproduction Fee") for each page copied or electronically transmitted. The following fees have been signed into law, effective November 9, 2010:

- \$0.05 per page for letter sized pages and smaller;
- \$0.07 per page for legal sized pages and larger;
- If the cost to produce paper copies exceeds the \$0.05 and \$0.07 rates, the cost will be adjusted to reflect the actual cost of duplication;
- Electronic records are free of charge (i.e. records sent via e-mail and fax);
- Any other form of records (i.e. computer disc, CD-ROM, DVD) will be charged the actual cost.

In addition to the reproduction fee, a special service charge shall be imposed whenever the Custodian determines that:

- a. an extraordinary expenditure of time and effort is required to accommodate the request because 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 is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size, or
- b. the requested information or medium is not routinely used, developed or maintained by the College and reproduction requires a substantial amount of manipulation or programming of information technology.

The special service charge shall be reasonable and based on the direct costs actually incurred by the College or attributable to the College including labor costs of personnel providing programming, clerical, and supervisory assistance required, or both, and the costs for any extensive use of information technology. The requestor shall be advised in advance of the amount of special service charges. Prior to authorizing the record reproduction or transmission the requestor may notify the Custodian of an objection to the amount of the special service charge. The Custodian shall promptly review the objection and advise the requestor in writing whether any adjustment will be made to the special service charge.

The requester may be charged a 50% or other deposit when a request for copies exceeds \$25. The College custodian will contact you and advise you of any deposit requirements. The requester agrees to pay the balance due upon delivery of the records. Anonymous requests, when permitted, require a deposit of 100% of estimated fees.

Compliance Monitoring

In order to monitor compliance with the Act, the Custodian shall:

- a. maintain a log of access requests made under the Act and responses;
- b. develop procedures to periodically review compliance; and
- c. develop methods of identifying, segregating and safeguarding information which is deemed under the Act to be confidential, private, proprietary and exempt from disclosure.

Adopted: May 30, 2002

Revised: September 25, 2007

Revised: March 23, 2010

Revised: November 9, 2010