



UNIVERSITY POLICY

SUBJECT:	ADMINISTRATION	TITLE:	ACCESS TO UNIVERSITY RECORDS		
CATEGORY: Check One	Board of Trustees <input type="checkbox"/>	Presidential <input checked="" type="checkbox"/>	Functional <input type="checkbox"/>	School/Unit <input type="checkbox"/>	
Responsible Executive:	Senior Vice President and General Counsel		Responsible Office:	Custodian, Public Records	
CODING:	00-01-10-52:00	ADOPTED:	10/18/02	AMENDED:	02/25/10
				LAST REVIEWED: 02/25/10	

I. PURPOSE

To explain UMDNJ’s responsibilities to respond to requests by the public or an employee for University records under the authority of the Open Public Records Act, also known as the Public Access to Government Records Statute.

II. ACCOUNTABILITY

Under the direction of the President, the Executive Vice President for Academic and Clinical Affairs, the Senior Vice Presidents, Deans and Vice Presidents and Presidents/CEOs of the Healthcare Units in conjunction with Custodian of Public Records shall ensure compliance with and implement this policy.

III. DEFINITIONS

- A. Government Records - Under the Open Public Records Act, any record that has been made, maintained or kept on file in the course of official business or has been received in the course of official business by any officer, commission, agency or authority of the state or of any political subdivision thereof. The term does not include inter-agency or intra-agency advisory, consultative or deliberative material.
- B. Custodian of Public Records - In the case of a public agency, the officer officially designated as the Custodian of Public Records shall be referred to as “Custodian” throughout the policy.

IV. REFERENCES

- A. Open Public Records Act, P.L. 2001, Chapter 404; N.J.S.A. 41:1A-1 et. seq.
- B. New Jersey Right to Know Law, P.L. 1963, Chapter 73
- C. Records Management 00-01-10-50:00
- D. Archives, Content and Access 00-01-20-75:00

V. POLICY

The decision to disclose University records is governed by numerous state and federal statutes as well as internal University controls. The process is complex, and frequently involves legal and policy analysis and determinations. All UMDNJ staff and faculty who do not comply with this policy shall be subject to full penalties under the law.

A. Requirements:

1. UMDNJ supports the principle that access to information concerning the conduct of business at a public University is a right of every citizen of New Jersey. However, UMDNJ will safeguard from public access a citizen's personal information with which it has been entrusted when disclosure thereof would violate the citizen's reasonable expectation of privacy.
2. Officers and employees other than the designated Custodian are not authorized to respond to requests for government records without the Custodian's approval. All requests must be directed to the Custodian.
3. The Custodian will make government records available for inspection, copying, or examination upon request by the citizens in compliance with state and federal law.
4. Method of Request
 - a. All requests made under the Open Public Records Act for access to UMDNJ records created or maintained by any School/Unit must be made in writing utilizing the Government Record Request form, and hand delivered, mailed or faxed to the Custodian during normal business hours. The Government Record Request Form can be accessed on the following website: <http://www.umdnj.edu/cusprweb/docs/howtorequest.htm>.
 - b. Any officer or employee in any School/Unit receiving such a request must direct the requestor to the Custodian by providing the phone number, address, location and/or website for contacting the Custodian. If the request has been received by mail, the letter should be promptly forwarded to the Custodian.
 - c. Medical Records - The Custodian may not grant access to any medical records or any record that contains health information which identifies a person. Requests for medical records authorized by the person to whom the records pertain should be directed to the Medical Records Department of the relevant School/Unit.
 - d. Student Records - The Custodian may not grant access to any admissions applications or student records. Requests for student records by the student, family member or anyone authorized by law should be directed to the School's Registrar.
 - e. Personnel Records - The Custodian may not grant access to personnel records other than those authorized under P.L. 2001, Ch. 404, supplemented and amended. P.L. 2001, Ch. 404, and Executive Order #21 amending the statute may be accessed at <http://www.nj.gov/grc/>. Requests for personnel records by the person to whom the records pertain or others authorized by law should be directed to the Department of Human Resources.

5. Copy Fees

a. If the request requires the Custodian to provide copies of the record, a fee must be obtained as follows:

- i. The requestor must be informed of the estimated fees prior to duplicating the documents.
- ii. An advanced payment or deposit may be required.
- iii. Only cash, cashier check or money order may be accepted. Cashier check and money order must be made payable to UMDNJ. A personal check may be accepted upon approval of the Custodian.

b. Fee Schedule:

i. Copying rates compliant with OPRA will be calculated by the Custodian and revised as appropriate. For ordinary document copying in ordinary business size.

<u># of Pages</u>	<u>Fees</u>
• Pages 1-10	\$0.75 per page;
• Pages 11-20	\$0.50 per page;
• Pages 21 and over	\$0.25 per page.

ii. Whenever the nature, format, manner of collection, 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 involves an extraordinary expenditure of time and effort to accommodate the request, the requestor will be charged the following:

- the actual cost of duplicating the record, plus
- a special service charge that shall be reasonable and shall be based upon the actual direct cost of providing the copy or copies (ex. charges for accessing storage facilities, archives, etc.). The requestor shall have the opportunity to review and object to the charge prior to it being incurred.

iii. If a request is for a record:

- in a medium not routinely used by the agency;
- not routinely developed or maintained by UMDNJ; or
- requiring a substantial amount of manipulation or programming of information technology,

UMDNJ may charge, in addition to the actual cost of duplication, a special charge that is reasonable and is 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 UMDNJ or attributable to UMDNJ for the programming, clerical and supervisory assistance required, or both.

6. Responding to Requests

- a. Access will not be granted for any request for exempt records or portion of records that meet the definitions listed in the Open Public Records Act, as supplemented and amended: <http://www.nj.gov/grc/>. A list of major exemptions is listed in EXHIBIT A.
- b. Time Frame for Response by the Custodian:
 - i. Time frames begin to apply on the first business day following receipt of a completed written request by the Custodian. A request is considered complete when the requestor provides all necessary information, including an understandable request, and all applicable fees are paid.
 - ii. If the requested record is currently available, the Custodian will grant access or deny a request as soon as possible, but not later than seven (7) business days after receiving the request.
 - iii. If the record is in storage or archived, the Custodian will advise the requestor within seven (7) business days after receiving the completed request, when the record can be available. See University policies, Records Management, 00-01-10-50:00 and Archives, Content and Access, 00-01-20-75:00.
 - iv. If the requestor has elected not to provide a name, address, or telephone number, or other means of contacting the requestor, the Custodian is not required to respond until the requestor reappears before the Custodian seeking a response to the original request.
- c. Prior to allowing access to a government record, the Custodian must redact from that record any information that discloses the following:
 - Social security number
 - Credit card number
 - Unlisted telephone number
 - Driver license number of any person
 - Any other personal information wherein disclosure thereof would violate a citizen's reasonable expectation of privacy
 - Any personal information of a victim or victim's family

- d. When the requestor is a government agency, including any court or law enforcement agency 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, the Custodian should consult with the Office of Legal Management to determine if redaction is necessary.
- e. If the Custodian 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.
- f. A Custodian must permit access to a government record and provide a copy in the medium requested if UMDNJ maintains the record in that medium. If UMDNJ does not maintain the record in the medium requested, the Custodian must either convert the record to the medium requested or provide a copy in some other meaningful medium.
- g. If the Custodian is unable to comply with a request for access, he/she will indicate the specific basis of the inability on the Government Record Request form and promptly return it to the requestor. The Custodian will sign and date the form and provide the requestor with a copy. If request has been denied, a statement of procedure for the appeal will be attached to the notification.
- h. 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.
- i. 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 UMDNJ.

7. Rights of Appeal

A Custodian shall post, prominently in public view in the part of the office of the Custodian that is 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 and the procedure by which an appeal may be filed.

B. Responsibilities:

- 1. The Deans, Vice Presidents or President/CEOs of the Healthcare Units are responsible for assuring that at least two individuals are appointed to work with the Custodian in responding to requests for records made to the respective School/Unit within his or her area of authority.
- 2. The appointed individuals, or other individuals assigned as necessary, will be responsible for responding to a request for records within the time frame designated by the Custodian.
- 3. The appointed individuals, or other individuals as necessary, must, when requested, complete and sign a Document Search & Certification Form (EXHIBIT A) that indicates

a complete search was made and to the best of his or her knowledge the records presented were not altered and that no other record exists that would be responsive to the request.

4. Failure to respond to the Custodian's request for a search and/or completion of the certification may lead to disciplinary action up to and including termination.

VI. EXHIBITS

- A. Document Search & Certification Form
- B. Exemptions to Disclosure

By Direction of the President:

Senior Vice President and General Counsel

EXHIBIT A

**OPEN PUBLIC RECORDS ACT
DOCUMENT SEARCH & CERTIFICATION FORM
CUSTODIAN OF RECORDS**

Date of Request: _____
Record Request ID Number: _____ (If available)
Department Conducting Search: _____
Employee Name: _____
(Please Print)

The University's Custodian of Records has received a request from a member of the public for the government records listed on the attached request form. This request has been made under the New Jersey Open Public Records Act N.J.S.A. 47:1A-1 et seq. All requests must be complied with good faith within seven days of receipt or the University (or its employees) could be subject to penalties. Searches for government records must be extensively documented. Please use one form per document request and detail all the steps taken to find the record requested. If the record cannot be found or identified or has previously been destroyed in compliance with University Record Retention policies, please make the appropriate notation. All decisions whether to grant or deny record requests will be made by the Custodian of Records.

Record:	Date Request Completed:
Search Description:	
Location of Record (On file/ Archived/ Destroyed/ Lost):	

NOTICE: This notice certifies that a representative of the University has conducted a thorough search based on good faith and full knowledge. A University employee's willful and knowing failure to comply with this law could result in civil fines up \$1000 or more charged to the employee.

Employee Signature

Position Title

EXHIBIT B

EXEMPTIONS TO DISCLOSURE

Partial List of Categories of Documents in which the Government Records Law Recognizes a Personal Privacy or Public Interest in Confidentiality

1. pedagogic, scholarly and/or academic research records;
2. inter-agency or intra-agency advisory, consultative or deliberative material;
3. records of pursuit of charitable contributions or certain records containing the identity of a donor or gift;
4. specific details of any research project conducted under the auspices of UMDNJ (Note that the university does not do "secret" research and discloses the name, title, expenditures, source and amount of funding, and date when final project of summary of any research will be available. Note also that frequently federal and state funded research results in a report that the federal or state government makes public);
5. valuable or rare collections or books and/or documents;
6. student records;
7. patient records;
8. proprietary commercial information;
9. trade secrets;
10. information that would give an advantage to competitor or bidders;
11. communication with risk manager or insurance companies;
12. records within attorney-client privilege;
13. test questions, scoring keys and other examination data pertaining to the administration of an examination for employment or academic purposes;
14. personnel and pension records, including records relating to grievances filed by or against an individual, except for employee's name, title, position, salary, payroll record, length of service, date of separation and the reason therefore;
15. information that would jeopardize computer security or jeopardize security of any building or facility or persons therein;
16. Other exemptions as listed in NJSA 47:1A-1 et seq.