



## **OPRA EXEMPTIONS**

### **N.J.S.A. 47:1A-1.1**

- 1) Inter-agency or intra-agency advisory, consultative or deliberative material
- 2) Legislative records
- 3) Law enforcement records:
  - a. Medical examiner photos
  - b. Criminal investigatory records (however, N.J.S.A. 47:1A-3.b. lists specific criminal investigatory information which must be disclosed)
  - c. Victims' records
- 4) Trade secrets and proprietary commercial or financial information
- 5) Any record within the attorney-client privilege
- 6) Administrative or technical information regarding computer hardware, software and networks which, if disclosed would jeopardize computer security
- 7) 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
- 8) Security measures and surveillance techniques which, if disclosed, would create a risk to the safety of persons, property, electronic data or software
- 9) Information which, if disclosed, would give an advantage to competitors or bidders
- 10) Information generated by or on behalf of public employers or public employees in connection with:
  - a. Any sexual harassment complaint filed with a public employer
  - b. Any grievance filed by or against an employee
  - c. Collective negotiations documents and statements of strategy or negotiating
- 11) Information that is a communication between a public agency and its insurance carrier, administrative service organization or risk management office
- 12) Information that is to be kept confidential pursuant to court order
- 13) Certificate of honorable discharge issued by the United States government (Form DD-214) filed with a public agency
- 14) Social security numbers

- 15) Credit card numbers
- 16) Unlisted telephone numbers
- 17) Drivers' license numbers
- 18) Certain records of higher education institutions:
  - a. Research records
  - b. Questions or scores for exam for employment or academics
  - c. Charitable contribution information
  - d. Rare book collections gifted for limited access
  - e. Admission applications
  - f. Student records, grievances or disciplinary proceedings revealing a students' identification

**N.J.S.A. 47:1A-1.2**

- 19) Biotechnology trade secrets

**N.J.S.A. 47:1A-2.2**

- 20) Convicts requesting their victims' records

**N.J.S.A. 47:1A-3.a.**

- 21) Ongoing investigations of non-law enforcement agencies (must prove disclosure is inimical to the public interest)

**N.J.S.A. 47:1A-5.k.**

- 22) Public defender records

**N.J.S.A. 47:1A-9**

- 23) Upholds exemptions contained in other State or federal statutes and regulations, Executive Orders, Rules of Court, and privileges created by State Constitution, statute, court rule or judicial case law

**N.J.S.A. 47:1A-10**

- 24) Personnel and pension records, except specific information identified as follows:
  - a. An individual's name, title, position, salary, payroll record, length of service, date of separation and the reason for such separation, and the amount and type of any pension received
  - b. When authorized by an individual in interest

- c. Data contained in information which disclose conformity with specific experiential, educational or medical qualifications required for government employment or for receipt of a public pension, but not including any detailed medical or psychological information

### **N.J.S.A. 47:1A-1 (Legislative Findings)**

“a public agency has a responsibility and an obligation to 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.”

Burnette v. County of Bergen, 198 N.J. 408 (2009). Without ambiguity, the court held that the privacy provision “is neither a preface nor a preamble.” Rather, “the very language expressed in the privacy clause reveals its substantive nature; it does not offer reasons why OPRA was adopted, as preambles typically do; instead, it focuses on the law’s implementation.” “Specifically, it imposes an obligation on public agencies to protect against disclosure of personal information which would run contrary to reasonable privacy interests.”

### **Executive Order No. 21 (McGreevey 2002)**

- 1) Records where inspection, examination or copying would substantially interfere with the State's ability to protect and defend the State and its citizens against acts of sabotage or terrorism, or which, if disclosed, would materially increase the risk or consequences of potential acts of sabotage or terrorism.
- 2) Records exempted from disclosure by State agencies’ proposed rules are exempt from disclosure by this Order.

### **Executive Order No. 26 (McGreevey 2002)**

- 1) Certain records maintained by the Office of the Governor
- 2) Resumes, applications for employment or other information concerning job applicants while a recruitment search is ongoing
- 3) Records of complaints and investigations undertaken pursuant to the Model Procedures for Internal Complaints Alleging Discrimination, Harassment or Hostile Environments
- 4) Information relating to medical, psychiatric or psychological history, diagnosis, treatment or evaluation
- 5) Information in a personal income or other tax return
- 6) Information describing a natural person's finances, income, assets, liabilities, net worth, bank balances, financial history or activities, or creditworthiness, except as otherwise required by law to be disclosed

- 7) Test questions, scoring keys and other examination data pertaining to the administration of an examination for public employment or licensing
- 8) Records in the possession of another department (including NJ Office of Information Technology or State Archives) when those records are made confidential by regulation or EO 9.