

How to Appeal Denial of Access to a Government Record

Under the Open Public Records Act denial of access to government records by a records custodian can be challenged in two ways: by following the appeal process of the Government Records Council (GRC), or by filing a lawsuit in Superior Court, Law Division.

Take the following steps if you choose to appeal through the GRC:

- * Contact the GRC toll-free at 866-850-0511, by e-mail at grc@dca.state.nj.us, or through the web site at www.nj.gov/grc. The web site has information about the law and instructions on how to file a complaint.
- * If you have questions about the law, the GRC web site may provide guidance. Council staff can also clarify the reason for a denial, or depending on the circumstances, contact the custodian in an attempt to resolve the matter.
- * If intervention by GRC staff does not resolve the matter, you can file a formal complaint with the GRC. The complaint form [regcomplaint.htm](#) is available on the GRC website and can be downloaded and mailed to the GRC. The law requires that the complainant must sign the complaint.
- * After the GRC staff reviews the complaint, the complainant (requester) and custodian are offered impartial mediation of the dispute through the state's Office of Dispute Settlement. If mediation is accepted and it resolves the matter, the case is closed.
- * If mediation is refused or fails, the GRC staff will formally review the complaint. If the GRC staff determines that the Complaint is frivolous or outside the GRC's jurisdiction, the parties will be so advised.
- * After investigation, GRC staff will provide a written preliminary finding to the parties. If both parties accept the preliminary finding, the case will be resolved and closed. If either party rejects it, the complaint and all supporting documentation offered by the parties will be presented to the GRC for consideration.
- * If the Council determines that it cannot render a decision based on papers presented to it, the Council may order a hearing so that the parties may place testimony and additional supporting documentation on the record.
- * Once the Council issues a Final Decision on a complaint, the matter will be closed. Any party who disagrees with the Council's decision may file an appeal with the Superior Court, Appellate Division. A complainant who is successful before the council shall be entitled to reasonable attorney's fees.
- * Filing a complaint with the GRC is free.

Filing an appeal with the Superior Court is different from filing with the GRC.

The first step is to prepare pleadings (a complaint and order to show cause) to start a summary (expedited) lawsuit with the Superior Court. The pleadings must be filed with the court along with a \$200 filing fee. The complainant must serve the lawsuit pleadings on the appropriate public officials.

Once papers are served, the court will schedule a hearing to resolve the dispute. Disagreements with the court's decision may be appealed to the Appellate Division of Superior Court. If you are successful, you may be entitled to reasonable attorney's fees.

Consult with an attorney to learn about initiating and pursuing a summary lawsuit in Superior Court.