

## Often-confusing open records law gets a going-over

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PARAMUS — Seekers of government records and the officials who keep them – two groups that regularly engage in disputes over public information – gathered for six hours Thursday to learn the state law that dictates the release of documents.

Their common goal was a better understanding of the Open Public Records Act, which has regulated public access to information kept on the state, county and local levels since 2002.

The seminar attracted more than 320 participants to Bergen Community College, including clerks, elected officials and police from about 70 municipalities. Private citizens and reporters from 18 different news organizations also attended.

North Jersey Media Group, publisher of The Record and Herald News, sponsored the event with the New Jersey Press Association.

Jennifer Borg, vice president and general counsel of North Jersey Media Group, said organizers were overwhelmed by the sold-out response.

A panel of experts on the act attempted to tackle some of the controversies surrounding it during a lively and candid discussion that underscored the need for such a dialogue.

One discussion centered on which officials are responsible for releasing the records, which are typically sought through forms known as OPRA requests.

Municipal clerks are usually the gatekeepers. But Catherine Starghill, executive director of the state Government Records Council, which issues advisory opinions on record disputes, said municipalities can designate other record custodians as long as it's publicized.

But Thomas Cafferty, general counsel for the press association, said the law clearly states that only clerks can serve as official custodians.

"At the end of the day, I think the buck stops at the municipal clerk," he said.

A third panelist, Paramus Borough Clerk Ian Shore, called for legislation that would protect clerks against legal action should a colleague refuse to disclose a record. The idea drew applause.

Paramus recently sought to limit Shore's power to release records. But a judge ruled in January that Paramus could not force him to delay responses to record requests while a borough attorney reviewed them. The judge also advised Shore to send courtesy copies of requests to the attorney.

While clerks may think similarly about certain issues stemming from the act, Rutherford Borough Clerk Mary Kriston said she attended the seminar seeking a broader understanding.

"I wanted to learn all the sides of the OPRA issue — not just from the clerks," she said.

State Sen. Loretta Weinberg, whom Borg identified as a champion of open government, encouraged all attendees to use the information presented at the seminar in good faith.

"I hope that every one of you is here to find out how you can comply with the law and not how you can evade it," she said.