



## **NJ appeals court rules that e-mailing OPRA requests acceptable**

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**UNION COUNTY** It may seem like a small win, but to Tina Renna a recent court ruling in her favor makes transparent government more of a reality.

A state appeals court recently sided with the open government advocate in a battle over requests for public records. It boiled down to whether Renna — or any other member of the public — had to submit a request on a form created by the targeted agency.

Union County rejected her request for a county resolution made via e-mail, and that's when the court fight started.

Renna lost in Superior Court. But the appeals court ruled that agencies had to accept clear requests in writing, although not on the agency's own form unless the original request was unclear.

The court did not directly address e-mails, but Renna said she has been successfully submitting them since the ruling came down.

### **FAMILIAR FIGHT**

Renna is no stranger to these kinds of battles. She is president of the Union County Watchdog Association and going after public records, such as contracts, salary information and checks cut by government agencies, is the association's mission.

The details of her recent win may seem dull and unimportant. But Renna sees it otherwise.

"It was a huge victory," she said. "It took out bureaucratic obstacles."

That victory becomes apparent if one considers the effect, Renna said.

If a public records advocate, journalist or just an interested citizen were looking for information from all of New Jersey's 566 municipalities, having to obtain a form from each first would effectively cripple the effort, Renna said.

The victory, however, was tempered by another decision from a different state appeals court released on the same day that clouded the issue. The panel ruled against another open government advocate, John Paff of Franklin, who tried to fax a records request to East Orange. The court ruled that municipalities do not have to accept faxes.

### **POSSIBLE ISSUES**

To complicate matters further, the Open Public Records Act outlines that requests shall be "in writing and hand-delivered, mailed, transmitted electronically or otherwise conveyed to the appropriate custodian." The appeals court ruled that by that, the law does not mean an agency must accept all those means of conveyance.

How the conflicting rulings will play out remains to be seen. They could slow down people such as Renna and Paff.

Renna's battle is continuing. The forms agencies use for records requests ask for information that violates the spirit of the Open Public Records Act if not the letter of the law, many open records advocates believe. The person requesting the information must sign the forms and state whether the person has been convicted of a crime, a sticking point for civil libertarians.

The fact that one has to identify herself particularly irks Renna.

"They are supposed to be anonymous," she said.