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## OPRA's 24 Exemptions from Disclosure

### OPRA's 24 Exemptions From Disclosure

The Open Public Records Act ("OPRA") provides that government records must be made readily accessible for inspection, copying, or examination by records requestors, **with certain exceptions**. OPRA includes twenty-four (24) specific exemptions from disclosure within its many provisions.

If a records custodian is unable to comply with a request for access, the custodian must indicate the specific basis on the request form and promptly return it to the requestor.

The following government records or information are specifically exempt from disclosure and should not be provided to requestors of government records:

#### 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. list 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 or 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. 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

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