

**CHAPTER 22
RECORDS**

Authority

N.J.S.A. 30:1B-6, 30:1B-10 and 47:1A-1 et seq.

Source and Effective Date

R.2004 d.317, effective July 23, 2004.
See: 36 N.J.R. 1869(a), 36 N.J.R. 3880(b).

Chapter Expiration Date

Chapter 22, Records, expires on July 23, 2009.

Chapter Historical Note

Chapter 22, Records, was adopted as R.1988 d.305, effective July 5, 1988. See: 20 N.J.R. 723(a), 20 N.J.R. 1561(a).

Subchapter 4, Expungement or Sealing of Records, was adopted as R.1989 d.582, effective November 20, 1989. See: 21 N.J.R. 2852(a), 21 N.J.R. 3665(b).

Pursuant to Executive Order No. 66(1978), Chapter 22, Records, expired on July 5, 1993.

Chapter 22, Records, was adopted as new rules by R.1994 d.113, effective March 7, 1994. See: 25 N.J.R. 5754(a), 26 N.J.R. 1228(b). Pursuant to Executive Order No. 66(1978), Chapter 22 expired on March 7, 1999.

Chapter 22, Records, was adopted as new rules by R.1999 d.236, effective July 19, 1999. See: 31 N.J.R. 1136(a), 31 N.J.R. 1924(c).

Chapter 22, Records, was readopted as R.2004 d.317, effective July 23, 2004. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 10A:22-1.1 Purpose
- 10A:22-1.2 Scope and applicability
- 10A:22-1.3 Definitions
- 10A:22-1.4 Forms

SUBCHAPTER 2. GOVERNMENT RECORDS

- 10A:22-2.1 Information pertaining to a victim(s)
- 10A:22-2.2 Designation of custodian of records
- 10A:22-2.3 through 10A:22-2.4 (Reserved)
- 10A:22-2.5 Availability of records and information to non-Department of Corrections agencies or individuals
- 10A:22-2.6 Availability of records and information to staff
- 10A:22-2.7 Availability of medical record summaries to inmates
- 10A:22-2.8 through 10A:22-2.10 (Reserved)
- 10A:22-2.11 Juvenile records and information
- 10A:22-2.12 Reimbursement for costs of copying

SUBCHAPTER 3. (RESERVED)

SUBCHAPTER 4. EXPUNGEMENT OR SEALING OF RECORDS

- 10A:22-4.1 Procedures for expungement of records and information
- 10A:22-4.2 Expungement of disciplinary records
- 10A:22-4.3 Procedures for sealing juvenile records

SUBCHAPTER 1. GENERAL PROVISIONS

10A:22-1.1 Purpose

(a) The purpose of this chapter is to establish provisions for:

1. The release and examination of inmate records;
2. The expungement or sealing of inmate records; and
3. Requests for government records pursuant to N.J.S.A. 47:1A-1 et seq.

Amended by R.2004 d.317, effective August 16, 2004.
See: 36 N.J.R. 1869(a), 36 N.J.R. 3880(a).

In (a), substituted "provisions" for "policies and procedures" in the introductory paragraph, substituted references to inmate records for inmate and parole records in 1 and 2, added 3.

10A:22-1.2 Scope and applicability

The rules in this chapter shall be applicable to the records of the Department of Corrections.

Amended by R.2004 d.317, effective August 16, 2004.
See: 36 N.J.R. 1869(a), 36 N.J.R. 3880(b).

Rewrote the section.

10A:22-1.3 Definitions

The following terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Custodian" or "custodian of records" means any individual appointed by the Commissioner to administer the provisions of the Open Public Records Act in the Department of Corrections.

"Data file" means a collection of data stored on a computer.

"Government record" or "record" means any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed document, information stored or maintained electronically or by sound-recording or in a similar device, or any copy thereof, that has been made, maintained or kept on file in the course of official business by any officer, commission, agency or authority of the State or of any political subdivision thereof, including subordinate boards thereof, or that has been received in the course of his or her or its official business by any officer, commission, agency, or authority of the State or that has been received in the course of his or her or its official business by any such officer, commission, agency, or authority of the State. The terms shall not include inter-agency or intra-agency advisory, consultative, or deliberative material.

"Open Public Records Act" or "OPRA" means N.J.S.A. 47:1A-1 et seq. as amended and supplemented.

"Request" means a written request, sufficiently clear to understand the information being sought.

"Responsible health authority" means a designated person within a correctional facility who shall be a physician or health administrator responsible for arranging health services to all inmates.

"Staff" means all personnel who are directly hired or contracted by the Department of Corrections or by a contract vendor(s).

Amended by R.2004 d.317, effective August 16, 2004.
See: 36 N.J.R. 1869(a), 36 N.J.R. 3880(b).

Inserted "Custodian" or "custodian of records", "Government record" or "record" and "Open Public Records Act" or "OPRA".

10A:22-1.4 Forms

(a) The following form related to a request for a government record shall be obtained from the Department of Corrections record custodian, the Department of Corrections website at www.state.nj.us/corrections, or at correctional facilities:

1. Form 110 Department of Corrections Request for Government Records.

New Rule. R.2004 d.317, effective August 16, 2004.
See: 36 N.J.R. 1869(a), 36 N.J.R. 3880(b).

SUBCHAPTER 2. GOVERNMENT RECORDS

10A:22-2.1 Information pertaining to a victim(s)

(a) Pursuant to N.J.S.A. 47:1A-2.2, a person convicted of any indictable offense under the laws of this State, any other state or the United States shall be denied access to a government record if the record contains personal information pertaining to the person's victim(s) or family member(s) of a victim(s).

(b) An exception to (a) above may be made only if a court, upon motion by the requester or his or her representative, has determined that the information is necessary to assist in the defense of the requester. The inmate or representative thereof shall submit the determination by the court to the custodian of records for review and release authorization determination.

Amended by R.2004 d.317, effective August 16, 2004.
See: 36 N.J.R. 1869(a), 36 N.J.R. 3880(b).
Rewrote the section.

10A:22-2.2 Designation of custodian of records

(a) The Commissioner, Department of Corrections shall designate a custodian or alternate custodians as may be determined necessary and who shall be responsible for accepting requests for access to records held or controlled by the Department.

(b) Contact information for the custodian of records for the Department of Corrections is as follows:

1. Custodian of Records
Office of External Affairs
Department of Corrections
PO Box 863
Trenton, New Jersey 08625-0863; or
2. Department of Corrections website at www.state.nj.us/corrections, the State OPRA Central website at www.state.nj.us/opra and otherwise made available to the public.

Repeal and New Rule. R.2004 d.2004, effective August 16, 2004.
See: 36 N.J.R. 1869(a), 36 N.J.R. 3880(b).
Section was "Public records and information".

10A:22-2.3 (Reserved)

Repealed by R.2004 d.317, effective August 16, 2004.
See: 36 N.J.R. 1869(a), 36 N.J.R. 3880(b).
Section was "Confidential records and information".

10A:22-2.4 (Reserved)

Repealed by R.2004 d.317, effective August 16, 2004.
See: 36 N.J.R. 1869(a), 36 N.J.R. 3880(b).
Section was "Limitation on inmate and parolee records and information".

10A:22-2.5 Availability of records and information to non-Department of Corrections agencies or individuals

(a) Information from inmate records shall be provided to law enforcement agencies or individuals, who request such information in the performance of their public duties.

(b) Inmate records may be made available to the following non-Department of Corrections agencies or individuals:

1. Courts of competent jurisdiction;
2. The Attorney General;
3. A county prosecutor;
4. The New Jersey State Parole Board;
5. A county probation department; and
6. Police departments.

(c) The Administrator or designee shall determine the records of inmates that shall be made available to government agencies or other authorized non-Department of Corrections individuals upon request. These agencies and individuals include, but are not limited to, the following:

1. The Social Security Administration;
2. The Veterans Administration;
3. Attorneys of record in pending cases, or investigating claims;