

**CHAPTER 22****RECORDS****Authority**

N.J.S.A. 30:1B-6 and 30:1B-10.

**Source and Effective Date**

R.1999 d.236, effective July 19, 1999.  
See: 31 N.J.R. 1136(a), 31 N.J.R. 1924(c).

**Executive Order No. 66(1978) Expiration Date**

Chapter 22, Records, expires on July 19, 2004.

**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: Source and Effective Date.

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**SUBCHAPTER 1. GENERAL PROVISIONS****10A:22-1.1 Purpose**

(a) The purpose of this chapter is to establish policies and procedures for:

1. The release and examination of inmate and parolee records; and
2. The expungement or sealing of inmate and parolee records.

**10A:22-1.2 Scope**

This chapter shall be applicable to the records of those inmates sentenced to the custody of the Commissioner of the Department of Corrections.

**10A:22-1.3 Definitions**

The following terms, when used in this chapter, shall have the following meanings:

“Data file” means a collection of data stored on a computer.

“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).

**SUBCHAPTER 2. RELEASE AND EXAMINATION OF INMATE AND PAROLEE RECORDS****10A:22-2.1 Records and information**

(a) Inmate and parolee records which contain personal identifying information pertaining to a victim(s) or family member(s) of a victim(s) shall not be released to or examined by the inmate/parolee, or representative thereof unless:

1. The requested public records or information is necessary to assist in the defense of the inmate/parolee; and
2. The inmate/parolee or representative thereof has motioned the court and received a determination by the court that the information is necessary to assist in the inmate's/parolee's own defense.

(b) The inmate/parolee or representative thereof shall submit the determination by the court to the Administrator or parole supervisor and to the Commissioner or designee for review and release authorization determination.

#### 10A:22-2.2 Public records and information

(a) The following information, documents and data files regarding an inmate or parolee shall be available for public inspection and copying in accordance with the fee schedule established in this subchapter:

1. Name;
2. Number;
3. Sentence;
4. Place of incarceration; and
5. Order of Commitment.

#### 10A:22-2.3 Confidential records and information

(a) The following types of records are designated confidential and shall not be disclosed to unauthorized persons or agencies.

1. Reports which are evaluative, diagnostic or prognostic in nature furnished with a legitimate expectation of confidentiality and which, if revealed to the inmate, parolee or others, could be detrimental to the inmate, parolee, victim(s), family member(s) of victim(s), or could jeopardize the safety of individuals who signed the reports, or were parties to the decisions, conclusions or statements contained therein;

2. Information the disclosure of which could have a substantial adverse impact on the security or orderly operation of the correctional facility;

3. Information or reports which would invade or jeopardize privacy rights of the inmate, parolee, victim(s), family members of a victim(s) or others;

4. Disclosures which would jeopardize internal decision making or policy determinations essential to the effective operation of any correctional facility or the Department of Corrections;

5. Disciplinary and criminal investigative reports, including those from informants, disclosure of which would:

- i. Impede ongoing investigations;
- ii. Create a risk of reprisal; or
- iii. Interfere with the security or orderly operation of the correctional facility;

6. Information, data files, documents, reports, or records prepared by New Jersey State Parole Board employees, or which pertain to parole determinations or supervision as established in N.J.A.C. 10A:71-2.1; and

7. Such other records as the Commissioner or designee, or Administrator, based on their experience and exercise of judgment, believe must be kept confidential to ensure maintenance of the safe, secure and orderly operation of the correctional facility and/or Department of Corrections.

(b) Prior to the inspection or release of any confidential information, a request shall be submitted to the Administrator and to the Commissioner or designee for an authorization determination.

(c) Confidential information approved for inspection or release shall be only that specific information directly related to the stated purpose for which the information is requested.

(d) Those documents deemed to be confidential shall be plainly marked "Confidential Material—Do Not Release to Unauthorized Persons."

(e) If a document required to be released in accordance with this chapter contains information deemed confidential pursuant to (a) above, the information deemed confidential shall be redacted prior to the release or examination of the document.

#### 10A:22-2.4 Limitation on inmate and parolee records and information

(a) Information on inmate or parolee records other than that outlined in N.J.A.C. 10A:22-2.2 shall not be released to or examined by any unauthorized person or agency except as set forth in this chapter.

(b) Juvenile offender records shall be strictly safeguarded from public inspection.

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

(a) Information from inmate and parolee records shall be provided to law enforcement agencies or individuals, who request such information in the performance of their public duties in accordance with N.J.A.C. 10A:22-2.8.

(b) Inmate or parolee 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.