

## Technology may solve NJ open records law disputes

TRENTON, N.J. (AP) — Longport Mayor Nicholas Russo is at his wits' end after his town put up a costly fight staving off a resident who filed excessive records requests to simply "bust chops."

Russo has proposed amending the state's Open Public Records Act, which provides guidelines for interaction between the public requesting **government** information and the agencies that provide it. Under his proposal, there would be a limit on the number of requests individuals and private agencies could make during a certain time.

Open government advocates have cringed at the idea of putting any type of restriction on records requesters. The current law, some say, already offers **solutions** for records requests that pose to substantially disrupt operations in towns, big and small.

Moreover, advocates say municipalities that put off investment in e-governance **technology** — such as providing a searchable electronic database of government documents on the Web — do more to hurt taxpayers than help them.

"It's just a reality that a government agency needs to come to terms with," said Bobby Conner, an open government attorney with New Jersey's American Civil Liberties Union. "(Lawmakers) should not legislate to address problematic requesters."

Public records abuse was the topic of discussion at a mid-March New Jersey Senate state government committee **meeting**, where agencies argued for more concise language in the law's definition of actual costs to fill requests for public records and

possible limits.

In 2009, the Courier News of Bridgewater, on behalf of Gannett New Jersey newspapers, charged Raritan Borough with failure to provide public payroll records electronically in accordance with the open public records law.

A judge ruled in favor of Raritan charging Gannett \$1,100 for the information because the payroll company, with whom the records were stored, could not provide them in a Microsoft Excel spreadsheet from its proprietary software without putting an employee on the project.

Loretta Buckelew, a legislative analyst with the New Jersey League of Municipalities, told senators on the state government committee that it was a costly victory for Raritan, which incurred litigation fees defending itself against Gannett.

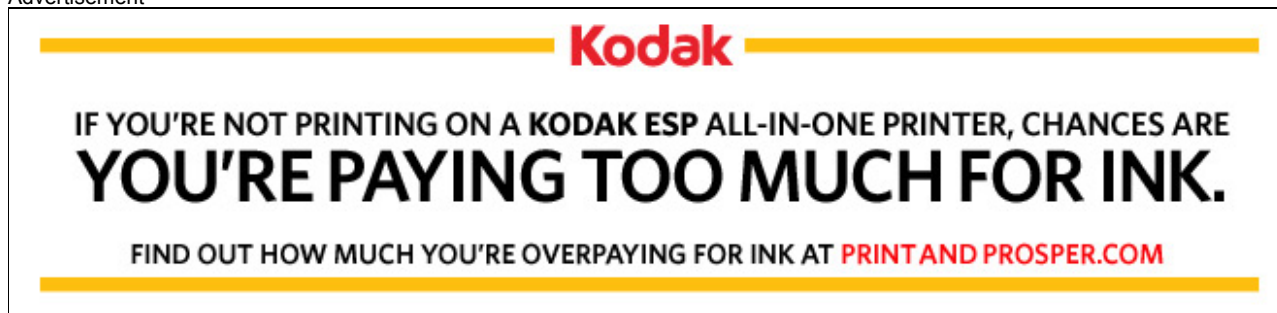
State Sen. Loretta Weinberg has drafted a bill that would expand the reach of the law by standardizing costs for records requesters, while also attempting to address the concerns of towns and agencies that want abuses and excessive costs to stop.

Weinberg said the open public records law was in place before many new technologies existed, and he sees no reason why towns that take openness in government seriously shouldn't make the proper **investments**.

"I want the culture to be such that all custodians of records have the outlook that they are custodians of things that belong to the people," Weinberg said. "They should have access."

Some New Jersey cities and counties already have begun such efforts.

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Legistar, a [service](#) for managing open government workflow on the Web, has helped Newark provide residents, and other interested parties, access to government documents since at least 1955. The service itself is not new.

Milwaukee and Los Angeles use Legistar.

Ron Chicon, president of Daystar Computer [Systems](#), said Legistar saves towns and counties an average of \$43,000 annually on what they might spend on printing, employee overtime and contract work.

There are start up costs and maintenance fees thereafter, which vary with the size of the town or agency, Chicon said.

Ron Miskoff, president of the New Jersey Foundation for Open Government, said the size of the municipality or county doesn't always correlate to its ability to provide information electronically.

Researchers at Rutgers [University's](#) School of Public Affairs, in conjunction with the open government foundation, gave high grades to Hunterdon, Camden and Sussex counties for their openness in "e-governance."

Mercer, Passaic and Salem counties were graded at the bottom.

The rankings were based on criteria in five areas, including the availability of contact information for officials, public meeting information and the nuts and bolts of county departments.

Hunterdon County, a more rural but affluent county in New Jersey, reports spending nearly \$1.1 million on its IT budget for the current budget year. It does not use the Legistar technology, but staffs a "Web maven" to handle postings to its Web site, said county administrator Cynthia Yard.

The Foundation for Open Government and the New Jersey Taxpayers Association hope to duplicate the Rutgers study to highlight the need for e-governance technology, said association vice president Neil Coleman.

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