

State of New Jersey
Government Records Request
Receipt

Requestor Information

Thomas W MacLeod
ACLU of New Jersey
P.O. Box 32159
Newark, NJ 07102

tmacleod@aclu-nj.org
973-854-1713

Request Date: July 30, 2012

Maximum Authorized Cost: \$50.00

Email

Request Number: W69059

Request Status: Other Closed

Ready Date:

Custodian Contact Information

Office of Homeland Security and Preparedness
Records Custodian

P.O. Box 091

25 Market Street

Trenton, NJ 08625-0091

hsp.records@ohsp.state.nj.us

609-584-4079

By _____

Status of Your Request

Your request for government records (# W69059) from the Office of Homeland Security and Preparedness has been reviewed and has been Other Closed. Detailed information as to the availability of the documents you requested appear below and on following pages as necessary.

The cost and any balance due for this request is shown to the right. Any balance due must be paid in full prior to the release / mailing of the documents.

If you have any questions related to the disposition of this request please contact the Custodian of Records for the Office of Homeland Security and Preparedness. The contact information is in the column to the right. Please reference your request number in any contact or correspondence.

Cost Information

Total Cost: \$0.00

Deposit: \$0.00

Total Amount Paid: \$0.00

Balance Due: \$0.00

Document Detail

Div	Doc #	Doc Name	Redaction Req	Pages	Legal Size	Electronic Media	Other Cost
HSP	091201	Part 1(b)	N		N	N	
		Denial: 01.Not Made, Maintained, Filed or Received by Division ---					
HSP	091202	Part 2	N		N	N	
		Denial: 20.Security Measures or Surveillance Techniques --- Executive Order No. 5 (Corzine, 2006)					

Government Records Request

Receipt

1) (a) I have granted partial access to your request in the form of links to Federal Emergency Management Agency (FEMA) websites where you will find grant guidelines and eligibility requirements for each of the federal grant programs listed below.

As the grantor, FEMA approved the purchase of Automatic License Plate Readers (ALPRS) under the following grant programs:

Buffer Zone Protection Program (BZPP);
Drivers License Security Grant Program (DLSGP);
Emergency Management Performance Grants (EMPG);
Emergency Operations Center Grant Program (EOC);
Intercity Bus Security Grant Program (IBSGP);
Intercity Passenger Rail (AMTRAK);
Law Enforcement Terrorism Prevention Activity (SHSP & UASI)
Nonprofit Security Grant Program (NSGP);
Operation Stonegarden Grant Program (OPSG);
Port Security Grant Program (PSGP);
State Homeland Security Program (SHSP);
Transit Security Grant Program (TSGP);
Tribal Homeland Security Grant Program (THSGP);
Urban Areas Security Initiative Program (UASI)

Detailed information about grants from federal fiscal years 2003-2011 can be found at:
https://www.rkb.us/archived_fema_grants.cfm

Detailed information about grants from federal fiscal year 2012 can be found at:
<http://www.fema.gov/preparedness-non-disaster-grants>

(b) I have denied access to your request for specific records funds sought, received or managed by OHSP in connection with the procurement and use of ALPRS technology because there is no stand-alone ALPRS grant program, and thus OHSP has not made or maintained the specific records you seek. Therefore, I must deny this part of your request.

2) I must deny access to this part of your request pursuant to the security measures and techniques exemption found in the Open Public Records Act (OPRA), N.J.S.A. 47:1A-1, which states:

"records related to security measures and surveillance techniques which, if disclosed, would create a risk to the safety of persons, property, electronic data or software" are deemed confidential and not subject to OPRA.

In addition to the security exemptions found in the OPRA law, there are additional exemptions in Executive Order No. 5 (Corzine, 2006), which established the New Jersey Office of Homeland Security and Preparedness (OHSP). Specifically, the Executive Order states:

"all documents, materials, and information pertaining to counter-terrorism investigation, intelligence, training, and protocols created, compiled, obtained, or maintained by the Office shall be deemed confidential, non-public, and not subject to the Open Public Records Act..."

State and local law enforcement agencies use ALPRS technology as part of their efforts to protect the safety and security of the people and property of New Jersey, and in particular around critical infrastructure sites and key resources throughout the state. Disclosing the identities of police departments and other agencies that use ALPRS technology to protect their communities, and to prevent and deter a variety of criminal activity, including counter-terrorism measures would be providing to those who wish to do harm a roadmap to areas that state and local law enforcement agencies deem to be at greater risk or more vulnerable to criminal activity. Therefore, I must deny access to your request for these records pursuant to the exemptions identified above.

Your request for government records (# W69059) is as follows:

Receipt

1. Records of all federal funds sought, received, or managed by your agency in connection with procurement and use of ALPR technology;
2. Records of all police departments and other agencies that received or purchased ALPR technology using funds from grants managed, arranged, or assisted by your agency;