EXECUTIVE ORDERS

extent of the limitations imposed upon such regulations. A copy of such executive statement shall be delivered in person or sent by certified or registered mail to the appropriate State or local official.

3. This Executive Order and Executive Order No. 7 shall in no way be interpreted to replace or affect the right that the general public has, by common law, judicial decision, statute or otherwise, to examine and copy public records and shall be limited in its application to the provisions of Chapter 73, P. L. 1963.

4. Any provisions of Executive Order No. 7 which are inconsistent herewith are hereby revoked and vacated.

5. This Executive Order shall take effect immediately.

Given, under my hand and seal this [seal] 1st day of August in the year of Our Lord, one thousand, nine hundred and sixty-three, and of the Independence of the United States, the one hundred and eighty-eighth.

/s/ RICHARD J. HUGHES, Governor.

Attest:

/s/ LAWRENCE BILDER,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 9

WHEREAS, Chapter 73, P. L. 1963, finds and declares it to be the public policy of this State that
public records shall be readily accessible for examination by the citizens of this State for the protection of the public interest except as otherwise provided in said law; and

WHEREAS, Said Chapter 73 provides that all records which are required by law to be made, maintained or kept on file by State and local governmental agencies are to be deemed to be public records, subject to inspection and examination and available for copying, pursuant to said law; and

WHEREAS, Said Chapter 73 provides that records which would otherwise be deemed to be public records, subject to inspection and examination and available for copying, pursuant to the provisions of said law, may be excluded therefrom by Executive Order of the Governor or by any regulation promulgated under the authority of any Executive Order of the Governor; and

WHEREAS, Executive Orders Nos. 7 and 8 authorize certain State and local governmental officials to adopt and promulgate regulations specifying which public records under their jurisdiction are not to be subject to inspection and examination and available for copying pursuant to said Chapter 73; and

WHEREAS, As of this date, only 65 local governmental units have adopted and promulgated regulations under the authority conferred upon them by said Executive Orders; and

WHEREAS, Review and examination of these regulations demonstrates a lack of uniformity with respect to the treatment proposed to be accorded public records; and

WHEREAS, The public interest requires that the public records which are excluded from the application of Chapter 73 be excluded on a uniform and Statewide basis with full regard for the need to balance the right, in a democracy, of the public to
know, against the risk of unintentional harm or injustice to individuals that might be occasioned by indiscriminate exposure of certain records containing data of a sensitive or personal nature without regard to the motivation or justification of those seeking to inspect or copy records; and

WHEREAS, Chapter 73 represents a right supplemental to the existing right of the public to examine and copy public records, which right has been established under the common law and by statute and remains inviolate even without the benefit of the provisions of said Chapter 73; and

WHEREAS, Some limitation upon the otherwise unqualified and unrestricted right to examine and copy records provided by Chapter 73 is essential and not detrimental to the public interest since the existing common law and statutory right to examine records remains upon the satisfaction of the requirements imposed by such laws;

NOW, THEREFORE, I, RICHARD J. HUGHES, Governor of the State of New Jersey, by virtue of the authority vested in me by Chapter 73, P. L. 1963, do hereby order and direct:

1. All records, other than records set forth in section 3 hereof or records the subject of a regulation adopted and promulgated pursuant to the provisions of section 2 hereof or otherwise excluded under and pursuant to the provisions of Chapter 73, P. L. 1963, which specifically are required by statute to be made, maintained or kept by any State or local governmental agency shall be public records, subject to inspection and examination and available for copying, pursuant to the provisions of Chapter 73, P. L. 1963. All other records of such State and local governmental agencies shall not be deemed to be public records, subject to inspection and examination and available for copying, pursuant to the provisions of Chapter 73, P. L. 1963, but such records shall remain subject to such other provisions of law and regulations as shall be applicable.
therefore and this provision shall in no way be interpreted as to preclude the appropriate State or local officials from (i) using or making available such records for any of the purposes for which such records are made, maintained or kept or (ii) permitting any person who demonstrates a legitimate reason for wishing to do so to examine such records where such official shall find it is not contrary to the public interest or an undue interference with the operation of the office to permit such an examination.

2. (a) The head or principal executive of each principal department of State government, with respect to the records of his department and any agencies, authorities and commissions assigned or allocated to such department or under the supervision or regulation of such department, is hereby authorized and empowered to adopt and promulgate, from time to time, regulations setting forth which records under his jurisdiction shall not be deemed to be public records, subject to inspection and examination and available for copying, pursuant to the provisions of Chapter 73, P. L. 1963.

(b) The text of any regulation adopted after October 1, 1963 pursuant to the provisions of this Executive Order shall be published at least 15 days prior to the proposed effective date of such regulation in at least 10 newspapers published in the State and a copy of any such regulation, with the approval of the Governor endorsed thereon, shall be placed on file in the Office of the Secretary of State. No such regulation shall be effective until it has been so published, approved and filed.

(c) Any regulation which has been heretofore adopted and promulgated by the head or principal executive of a principal department of the State Government pursuant to the provisions of Executive Orders Nos. 7 or 8 shall remain in force and effect until modified or rescinded in accordance with the provisions of this Executive Order.

(d) Any regulation which shall be adopted by the head or principal executive of a principal department of the State government on or before October
1, 1963 shall be fully effective, without the necessity of publication, if a copy of such regulation, with the approval of the Governor endorsed thereon, has been placed on file in the Office of the Secretary of State on or before October 1, 1963.

3. The following records shall not be deemed to be public records subject to inspection and examination and available for copying pursuant to the provisions of Chapter 73, P. L. 1963:

(a) Questions on examinations required to be conducted by any State or local governmental agency;

(b) Personnel and pension records which are required to be made, maintained or kept by any State or local governmental agency;

(c) Records concerning morbidity, mortality and reportable diseases of named persons required to be made, maintained or kept by any State or local governmental agency;

(d) Records which are required to be made, maintained or kept by any State or local governmental agency which would disclose information concerning illegitimacy;

(e) Fingerprint cards, plates and photographs and other similar criminal investigation records which are required to be made, maintained or kept by any State or local governmental agency;

(f) Criminal records required to be made, maintained and kept pursuant to the provisions of R. S. 53:1–20.1 and R. S. 53:1–20.2;

(g) Personal property tax returns required to be filed under the provisions of Chapter 4 of Title 54 of the Revised Statutes; and

(h) Records relating to petitions for executive clemency.

4. This Executive Order shall in no way be interpreted to replace or affect the right that the general public has, by common law, judicial decision, statute or otherwise, to examine and copy public records and shall be limited in its application to the provisions of Chapter 73, P. L. 1963.

5. Executive Orders Nos. 7 and 8 are hereby rescinded and any regulations adopted and promul-
gated thereunder shall be null and void except to
the extent provided in Section 2 of this Executive
Order.
6. This section and Section 2 of this Executive
Order shall take effect immediately and the re-
mainder of the Executive Order shall take effect on
October 1, 1963.

Given, under my hand and seal this
[seal] 30th day of September in the year of
Our Lord, one thousand, nine hundred
and sixty-three, and in the Independ-
ence of the United States, the one hun-
dred and eighty-eighth.

/s/ RICHARD J. HUGHES,
Governor.

Attest:

/s/ LAWRENCE BILDER,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

EXECUTIVE ORDER No. 10

I, RICHARD J. HUGHES, Governor, order and direct
that Friday, November 29, 1963, (day after Thank-
giving Day), be declared an extra holiday for State
employees.

Given under my hand and seal this
[seal] 6th day of November, in the year of
Our Lord one thousand nine hundred
and sixty-three, and in the Independence
of the United States, the one hundred
and eighty-seventh.

RICHARD J. HUGHES,
Governor.

Attest:

LAWRENCE BILDER,
Acting Secretary to the Governor.