

Update: Court Orders Disclosure of Facebook "Blocked Users" Lists - *NJ OPRA Blog*

RELATED ATTORNEYS

CJ Griffin

RELATED PRACTICE AREAS

Media Law

NJ OPRA Blog

June 16, 2018

We previously wrote about an OPRA lawsuit we filed on behalf of citizen seeking a list of users that various public officials from Glen Rock have blocked from their official Facebook accounts. Today we are happy to report that the suit was successful.

In *Larkin v. Glen Rock*, the Honorable Bonnie J. Mizdol, A.J.S.C., ruled that the lists of blocked users from each of the Facebook pages in question were "government records" that are subject to access under OPRA. In her 23-page opinion, the judge noted that there is no "one-size-fit-all" approach to determine whether a particular Facebook account falls within OPRA's scope. Rather, she applied a "fact-sensitive review" of the Facebook pages at issue to conclude that they were indeed subject to OPRA. Among other things, the judge noted that:

- The mayor and each council member's Facebook pages "clearly identified them as elected members of the Glen Rock governing body"
- Each page was "separate and distinct from their personal, friends and family Facebook pages"
- Each page "was used for the sole purpose of discussing matters directly pending before the Mayor and Council," including topics such as "ordinances, resolutions, budgets, and committees on which the Mayor or council member serves."
- The posts on each page "shared ideas, answered questions and interacted with constituents and the public at large about the Borough's official business"

The court also rejected Glen Rock's argument that those who were blocked by the public officials had a right to privacy.