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OPRA Goes Personal: NJ Supreme Court Says Your Gmail Logs Are Now Government Records

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On June 11, 2026, the Supreme Court of New Jersey unanimously held that logs of government-related emails in public officials' personal email accounts are government records under the Open Public Records Act (OPRA). *Rosetti v. Ramapo-Indian Hills Reg'l High Sch. Bd. of Educ.*, ___ N.J. ___ (2026). Public bodies must now search personal accounts, compile logs of responsive emails, and certify those searches.

The Court's Decision

The Court based its decision on OPRA's definition of a “government record,” which includes electronically stored information “made, maintained or kept on file in the course of” official business. N.J.S.A. 47:1A-1.1. The Court held that the Board must produce logs of government-related emails from members' personal accounts even if those emails were sent only to personal accounts and not to the members’ district accounts.

Because no server-side report is possible on a commercial provider's account, in the event of an OPRA request for logs of private emails, members must manually search their inboxes, sent items, trash, and other relevant folders, compile a log of government-related emails, redact any non-government entries that surface, and submit a certification detailing the search so a reviewing court can assess its adequacy. *Rosetti*, slip op. at 18-21.

In attempting to limit the reach of its decision and not place an overly burdensome responsibility on board members, the Court also held that a log of an entire personal account is not a government record simply because government-related emails reside there: “It is only the log of government-related emails that is a government record.” *Rosetti*, slip op. at 22. The original OPRA request, which the Court found seemingly sought logs of entire private email accounts rather than only government related emails, was found to be overbroad.

How the Decision Changes the Law

Rosetti makes four significant changes to New Jersey public-records law:

1. It extends the *Galloway* principle to personal accounts. In *Galloway*, the Court confirmed that logs generated from a municipality's own server were government records. *Rosetti* confirms that the log-as-government-record principle reaches emails housed in officials' private Yahoo, Gmail, and similar accounts, so long as the underlying emails relate to government business.
2. It creates a self-search-and-certification procedure. Because public bodies cannot run server-side reports on private accounts, the Court directed that officials themselves must search their inboxes, sent items, trash, and other relevant folders, compile a log of government-related emails, and certify the searches they performed so a court can review their adequacy. **This is a new compliance mechanism in New Jersey OPRA practice.**
3. It rejects whole-account disclosure. The Court expressly declined to hold that a log of an entire personal account is a government record simply because government-related emails are present in it. Only the log of government-related emails is a government record, which imposes a meaningful privacy-protective limit that the Appellate Division's opinion lacked.
4. It eliminates any safe harbor for private accounts. The Court reiterated that emails related to government business are within OPRA's reach whether stored on government or private servers, so conducting public business on a personal account will not shield those records from production. *Rosetti*, slip op. at 23.

Practical Takeaways for Public Bodies

Public bodies should act now to:

- **Prohibit personal-account use.** The Court directed agencies to “strongly advise” officials and employees against using personal accounts for government business. *Rosetti*, slip op. at 23. Update policies and training, and issue government accounts to all members. (While beyond the holding in this case, public officials should similarly be wary of using text messages to transact government business.)

- Develop a search-and-certification protocol. Custodians should adopt a standard search procedure and certification form covering inbox, sent, trash, and other relevant folders.
- Review requests for overbreadth. A request for logs of entire personal accounts exceeds OPRA; respond only to the proper, narrower scope. *Rosetti*, slip op. at 22.

The full text of the opinion is available on the New Jersey Supreme Court website. *Rosetti v. Ramapo-Indian Hills Reg'l High Sch. Bd. of Educ.*, No. A-72-24 (N.J. June 11, 2026). For more information on this new decision or related issues, please contact the attorneys at SPSK.

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