

other words, OPRA treats medical specimens as "records," but not as the kinds of government records that are freely available in the way OPRA records normally are. See N.J.S.A. 47:1A-1. Rather, medical specimens may be made available by court order under some circumstances.

The regulations of the State Medical Examiner further define the circumstances under which non-OPRA records may be obtained and who has standing to request them:

(c) Any other records that satisfy the common law definition of a "public record" which may exist in the medical examiner's file may be inspected or copied . . . provided the requestor is able to demonstrate that his or her particular interest outweighs the need of the agency and/or the public interest in confidentiality. The propriety of the party's interest in these records shall be determined by the authorized county medical examiner in consultation with the State Medical Examiner whose final determination shall be binding. The next of kin of the decedent, immediate family members, physicians who treated the decedent for his or her last illness or injury, the decedent's legal representative, law enforcement agencies, or attorneys or insurance companies representing parties in litigation arising from the incident that caused the decedent's death are presumed to have a proper interest in these records.

(d) In the event that the requestor is unable to demonstrate a proper interest, the County or State Medical Examiner may advise the requestor to seek a court ordered release of records.