

[N.J.A.C. 13:49-3.1(c) and (d) (emphasis added.)]

See Shuttleworth v. City of Camden, 258 N.J. Super. 573, 581-95 (App. Div.), certif. denied, 133 N.J. 429 (1992) (discussing police and autopsy reports as common law records); Home News v. Dep't of Health, 144 N.J. 446, 456-58 (1996) (newspaper's common law right to obtain cause-of-death information). These regulations plainly confer standing upon a member of the deceased's immediate family. Hence plaintiff, as the decedent's sister, had standing to apply for permission to examine the specimens.

The regulations also define the scope of the contest in case of a dispute over the records; it is between the presumed interest of the immediate family member in obtaining the record and the "need of the agency and/or the public interest in confidentiality." Ibid. The agency, in this case the county medical examiner, eschewed any interest in confidentiality and did not object to entry of an order for turnover of the specimens. We understand defendant's asserted interest in preventing plaintiff from continuing her investigation of the circumstances of her sister's death, an activity he contends is painful and offensive to other family members. However, that is not a legally cognizable interest in the context of this case.