



Municipal Excess Liability Joint Insurance Fund

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BULLETIN

TO: All Members

FROM: Fred Semrau, Fund Attorney

DATED: March 20, 2023

RE: Local Government Unit Websites

In recent years, local government entities have expanded their use of their public-facing websites to make a wide variety of information to the general public. With this growth comes potential scrutiny by the public and State agencies, resulting in increased legal exposure.

Recently, certain State agencies and advocacy groups have been reviewing municipal websites for potential discrimination claims under the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1 et seq. In particular, over the last six months there appears to be increased intent by the State to expand the NJLAD's scope of "places of public accommodation" and "public facilities" to include municipal public websites.

Unfortunately, to date the Division of Civil Rights (DCR) has not adopted an explicit policy or standard related to municipal websites, and legal guidance in this area remains unsettled on both the federal and State level. However, since last fall, the DCR has issued violation notices and instituted administrative proceedings against municipalities based on outdated forms and language contained on municipal websites.

Accordingly, if you have not already done so, we urge you to update your policies to address website content monitoring, and to regularly review your website materials to ensure that all areas are updated to meet with current legal standards. The following are some areas that you should pay particular attention to and update in this process:

1. Marriage license information
2. Special event requests
3. Birth certificates
4. Voter registration
5. Use of gender-neutral terms and language instead of gender-specific terms on all forms and website content

It is also important to check and update all links for correct, updated application forms, whether they be links to local, State or federal websites. In addition, N.J.S.A. 47:1B-1 et seq. (P.L.2021, c.371), more commonly known as “Daniel's Law”, is important legislation that prohibits disclosure via public records and internet postings, the home addresses, or in some cases, names, of former, active, and retired judicial officers, prosecutors and law enforcement officers, as well as certain immediate family members registered as “covered persons” with the State Office of Information Privacy (OIP).

You should consult with your municipal attorney to discuss ways to ensure that the above information pertaining to covered persons is redacted or removed from public-facing websites and records in compliance with Daniel's Law deadlines. Standards and guidance on Daniel's Law continues to evolve. However, it is critical that your respective public entities register with OIP as redactors so they receive timely notifications identifying individuals who are authorized covered persons so that redactors can immediately coordinate to prevent improper release of protected information.

We remind all Administrators to continue to regularly monitor the status of your websites to be certain that it is current and up-to-date. All forms, applications, information and other content should be reviewed and “audited” on a regular basis. Limit the number of employees to a small group with authorized access to upload material and/or make changes to the content on your website. Before any changes are uploaded to your municipal website, the content/text should be reviewed and approved by Department Heads and Administration.

Lastly, please ensure that public entity websites are fully compliant with the ADA requirements for website accessibility. For more information, please visit: <https://njmel.org/wp-content/uploads/2020/04/Bulletin-2019-Website-Compliance-with-ADA.pdf>.

As always, we suggest you consult with your legal counsel regarding these matters to ensure you have the most recent information.