



Wall Township Police Department

Phone: 732-449-4500 ~ Fax: 732-449-1273

www.wallpolice.org



Kenneth Brown Jr.
Chief of Police

November 26, 2018

Dear Mr. Curcio:

The Township of Wall Police Department's ("Police Department") Records Custodian received your Open Public Records Act ("OPRA") request dated November 13, 2018 on November 14, 2018. As such, the seven (7) business day deadline to respond to your request is November 27, 2018. The Police Department is timely providing you with a response to your request accordingly.

For ease of reference, the Police Department notes that your OPRA request seeks the following:

All training courses completed by Captain Greg Carpino #130

As a threshold matter, please be advised that your OPRA request is too broad in scope, as the requested records span over a twenty year period. Please provide clarification as to the time limits for the requested records.

As for the portion of your OPRA request for "[a]ll training courses", please note that unless falling within a statutory exemption, an employee's training and education are personnel records exempt from disclosure under OPRA. Kovalcik v. Somerset County Prosecutor's Office, 206 N.J. 581, 593-594 (2011). In Kovalcik, the Supreme Court explained that "personnel records are, by definition, not classified as government records at all; any document that qualifies as a personnel record is therefore not subject to being disclosed notwithstanding the other provisions of the statute." Id. at 592. OPRA's personnel records provision "begins with a presumption of non-disclosure[.]" Id. at 594.

Under OPRA, a "personnel record" may only be disclosed "if and only if, [it] ... fits within one of the three exceptions to the general exemption for personnel records" set forth in N.J.S.A. 47:1A-10." Id. at 592. N.J.S.A. 47:1A-10 provides, in pertinent part, that "data contained in information which disclose conformity with specific experiential, educational, or medical qualifications required for government employment or for receipt of a public pension, but not including any detailed medical or psychological information, shall be a government record." Thus, public employee training and education documents are only subject to disclosure to the extent that the records disclose the public employee has completed specific training or education that is required for his or her employment. Id. at 593-594. Please provide clarification as to which training courses you are requesting.



P.O. Box 1168 / 2700 Allaire Rd., Wall Township, NJ 07719





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Wall Police Department will consider your OPRA request answered and closed if it does not receive your written clarification within the next five (5) business days.

Very truly yours,

Kevin R. Pressey
Records Custodian
Wall Township Police Department
732-449-4500 ext. 1401
kpressey@wallpolice.org



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