



Red Bank Borough Public Schools

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June 4, 2024

VIA EMAIL ONLY: opra+request-61291-40cdc29d@requests.opramachine.com

Betsy Cross

RE: OPRA Request dated May 24, 2024

Dear Ms. Cross:

As custodian of records for the Red Bank Borough Board of Education ("Board" and/or "District"), I am writing this letter in response to your request for records pursuant to the Open Public Records Act ("OPRA") submitted and received via email on Friday, May 24, 2024. As such, the seven (7) business day deadline within which the Board is to respond to your request is Wednesday, June 5, 2024.

More specifically, the Board's responses to your requests are set forth below:

"Can you explain why you are paying Brown & Brown to be the Health Broker, but you do not have any presentations or recommendations from them for the past 3 since 2022?"

This request is overly broad in that the request does not identify specific records and seeks information rather than identifiable records. A proper OPRA request must identify with reasonable clarity by specifically describing those documents that are being sought. See Gannett New Jersey Partners L.P. v. County of Middlesex, 379 N.J. Super. 205, 211-12, 877 A.2d 330 (App. Div. 2005); New Jersey Builders Association v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166, 178 (App. Div.), cert. Denied, 190 N.J. 394 (2007); Bent v. Stafford Police Dep't, 381 N.J. Super. 30, 40 (App. Div. 2005). Under OPRA, one cannot submit "wholesale requests for general information to be analyzed, collated and compiled by the responding government entity." MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534, 868 A.2d 1067 (App. Div. 2005). (The Court found a request for "all books, records, [and] documents" related to a specific project to be improper.)

OPRA operates to make identifiable government records "readily accessible for inspection, copying, or examination." N.J.S.A. 47:1A-1; MAG Entertainment, LLC v. Div. of ABC, 375 N.J. Super. 534, 546 (App. Div. 2005). MAG Entertainment, LLC held, "[w]hile OPRA provides an alternative means of access to government documents not otherwise exempted from its reach, it is not intended as a research tool litigants may use to force government officials to identify and siphon useful information." Id. at 547. "Under OPRA, agencies are required to disclose only



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‘identifiable’ government records not otherwise exempt.” *Id.* at 549; *See also Bent v. Stafford Police Dep’t*, 381 N.J. Super. 30, 37 (App. Div. 2005) (holding that OPRA only allows requests for records as contrasted from information, and to qualify under OPRA a request must reasonably identify a record and not generally data, information or statistics). Accordingly, this request is hereby denied as a request for information.

This correspondence and the foregoing information and the enclosed document constitute the Board’s full and complete response to your OPRA request and therefore, your OPRA request is closed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anthony Sciarrillo'.

Anthony Sciarrillo

School Business Administrator/Board Secretary