

MAYOR

James P. Mehaffey

TOWNSHIP COMMITTEE

Megan Kerr
Ashley Morrell
Adam Reid
Jim Robinson

**WEST DEPTFORD TOWNSHIP****Municipal Building**

400 Crown Point Road
West Deptford, New Jersey 08086
Phone (856) 845-4004

Township Administrator

Lee Ann DeHart

Chief Finance Officer

Michael Kwasizur

Registered Municipal Clerk

Lee Ann DeHart

September 12, 2022

Via email only (opra+request-35111-8b6515a2@requests.opramachine.com)

Thomas

Re: Open Public Records Act/Common Law Records Request

Dear Thomas:

The West Deptford Township Municipal Clerk received your request for records pursuant to the Open Public Records Act (OPRA) and the New Jersey common law right of access on September 2, 2022 and forwarded it to the Official Records Custodian for a response. Accordingly, the initial seven (7) business day deadline to respond to your request under OPRA is September 14, 2022. This response to your request is being provided on the fifth business day after receipt of your request.

Your records request was as follows:

From: Thomas <opra+request-35111-8b6515a2@requests.opramachine.com>

Sent: Friday, September 2, 2022 4:00 PM

To: Lee Ann DeHart <LDeHart@westdeptford.com>

Subject: OPRA request - Arrest Reports

Dear West Deptford Township,

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested:

Arrest reports authored by Officer Badge # 4146 from January 1, 2017 to January 7th, 2017.

Yours faithfully,

T

Response to Common Law Request

The common law right to access public records depends on three requirements: (1) the records must be common law public documents; (2) the person seeking access must establish an interest in the subject matter of the material; and (3) the citizen's right to access must be balanced against the State's interest in preventing disclosure. *Richard Rivera v. Union County Prosecutor's*

Office, 250 N.J. 124, 143-44 (2022); *South Jersey Publishing Co. v. New Jersey Expressway Auth.*, 124 N.J. 478, 487 (1991); *Loigman v. Kimmelman*, 102 N.J. 98 (1986); *Nero v. Hyland*, 76 N.J. 213, 222 (1978).

After consultation with the Township Solicitor, we have concluded that you have failed to identify your interest in the subject matter of the requested material. Accordingly, your common law request is denied.

Response to OPRA Request

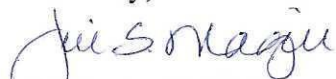
After consultation with the Township Solicitor, your OPRA request is denied for the following reasons:

N.J.S.A. 47:1A-2.2 - Anonymous Requests. Notwithstanding the provisions of OPRA or any other law to the contrary, a custodian shall not comply with an anonymous request for a government record which is protected under the provisions of this section.

Request does not implicate core purpose. The request as written does not further the core purposes of OPRA to maximize public knowledge about public affairs in order to ensure an informed citizenry and to minimize the evils inherent in a secluded process. *Burnett v. Cty. of Bergen*, 198 N.J. 408, 435 (2009); *Mason v. City of Hoboken*, 196 N.J. 51, 64 (2008); *Bozzi v. Borough of Roselle Park*, 462 N.J. Super. 415 (App. Div. 2020).

If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by the Township of West Deptford Clerk's office to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council (GRC) by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The GRC can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Sincerely,



Jill S. Magill, RMC

Deputy Clerk

jmagill@westdeptford.com

856-845-4004 ext. 174