

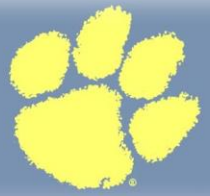


Avon School

www.AvonSchool.com

Lincoln and Fifth Avenues • Avon-by-the-Sea, NJ 07717

Phone: 732.775.4328 • Fax: 732.775.0761



December 20, 2023

VIA EMAIL: opra+request-54386-6059dc0f@requests.opramachine.com

Re: OPRA Request

To Whom It may Concern:

On behalf of the Avon School District (“District”) please be advised that the Government Records Custodian for the District received your Open Public Records Act (“OPRA”) request on December 11, 2023. As such, the seven (7) business day deadline to respond to your request is December 20, 2023. This response is therefore being timely submitted in accordance with New Jersey law. See N.J.S.A. 47:1A-5.

For ease of reference, the District notes that your OPRA request is seeking:

A digital list of all employees hired by the district. Please include their job title (non abbreviated) and union affiliation, department they work in, hire date, and salary. Please include full time staff, part time staff, substitutes, or temporarily/seasonally employed workers. This list can be broken up if one record does not exist containing all the requested information. But please include all the requested information in the OPRA request.

As a threshold matter, please be advised that your OPRA request is invalid because it seeks information, data, and statistics rather than specific government records. See Bent v. Stafford Police Department, 381 N.J. Super. 30, 37 (App. Div. 2005) (noting that OPRA allows requests for specific records, not requests for general information, data or statistics). See also Murphy v. N.J. Dept. of Corrections, GRC Complaint No. 2015-340 (finding that a request for “any records” constituted an invalid, blanket request for a class of various documents rather than identifiable government records). It is well-settled law that an OPRA request may not consist of a broad generic description of documents that requires the custodian to search the agency’s files and “analyze, compile and collate” the requested information. Id. See also MAG Entm’t, LLC v. Div. of Alcoholic Beverage Control, 375 N.J. Super. 534, 549 (App. Div. 2005) (holding that “[u]nder OPRA, agencies are required to disclose only ‘identifiable government records not otherwise exempt . . . OPRA does not countenance open-ended searches of an agency’s files’”).

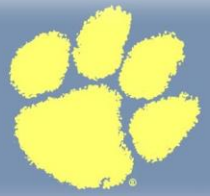


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Here, your request would improperly require the Records Custodian to conduct an open-ended search of the District's records to identify the requested information. Please note that a **Records Custodian has no duty to create a government record.** See Eden v. Little Egg Harbor Township (Ocean), GRC Complaint. No 2014-369 (June 2015) (stating that "OPRA does not require custodians to research and compile information to create a record that may be responsive to an OPRA request [and custodians have] no legal duty to create a record").

New Jersey courts have upheld a government records custodian's denial of access in response to an overly broad and generalized OPRA request. See e.g., Spectraserv, Inc. v. Middlesex Cnty. Utilities Auth., 416 N.J. Super. 565, 576 (App. Div. 2010). Consequently, a proper request under OPRA "must identify with reasonable clarity those documents that are desired, and a party cannot satisfy this requirement by simply requesting all of an agency's documents. OPRA does not authorize unbridled searches of an agency's property. Bent v. Twp. of Stafford Police Dept., 381 N.J. Super. 30, 37 (App. Div. 2005). Notably, it is well settled that OPRA does not authorize unbridled searches of an agency's property. See Abdur-Raheem v. N.J. Div. of Criminal Justice, GRC Complaint No. 2014-171 (June 30, 2015). Further, New Jersey courts have consistently held that a request for "data, information, and statistics" is overly broad and lacks the requisite level of specificity required by OPRA. See MAG Entm't, LLC, 375 N.J. Super. at 548; see also Debockler v. Twp. of East Windsor (Mercer), GRC Complaint No. 2011-29 (2012).

Here, your OPRA Request lacks the requisite specificity because it requests data and information that requires the Records Custodian to collect, analyze, and compile information. Accordingly, your OPRA Request amounts to an invalid request that cannot be satisfied pursuant to New Jersey law. Notwithstanding the invalid nature of your request, and without any waiver of any objection to same, enclosed please find records readily identified as responsive to your request. Please note that the ready maintained and generated government records may not include all of the information sought. Again, the District is not required to conduct research to collate data and statistics to create a record in response to an OPRA request pursuant to New Jersey law.

Enclosed please find all records readily identified as responsive. Your OPRA request is now deemed answered and closed. Thank you for your attention to this matter.

Sincerely,

Amy S. Lerner, SFO
School Business Administrator/Board Secretary
Government Records Custodian