



## FREEHOLD REGIONAL HIGH SCHOOL DISTRICT

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Sean P. Boyce, CPA  
Assistant Superintendent for  
Business Administration/  
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November 23, 2022

**EMAIL** ([opra+request-36595-51d4de54@requests.opramachine.com](mailto:opra+request-36595-51d4de54@requests.opramachine.com))

Bryan Bender:

Dear Mr. Bender.

This letter is in response to your OPRA Request that was contained within your November 13, 2022, email to me as the Board's Records Custodian. Since your request was received on a day that the District was closed on Sunday, November 13, 2022, your request was deemed received on the Board's next business day, which was Monday, November 14, 2022. Accordingly, the seventh business day by which the Board must respond to your Request is Wednesday, November 23, 2022. This response is being provided to you within that timeframe.

OPRA defines a "government record" of a public entity as "any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed document, information stored or maintained electronically or by sound-recording or in a similar device, or any copy thereof, that has been made, maintained or kept on file in the course of his or its official business ..." N.J.S.A. 47:1A-1.1. Accordingly, the Board is required to produce only those records which it maintains in the official course of business and which are not otherwise exempt from production. Pursuant to the definition of a government record, a public entity is not required by OPRA to research information and/or create records that do not exist in response to OPRA requests. See e.g., Mag Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 537 (App. Div. 2005).

The Board's response to your Request is follows:

1. *I am requesting all emails between the Freehold Regional High School District, any of its employees or agents and Bark during the time frame of February 1, 2022 and April 15, 2022.*

**Response:** The Board objects to and is denying this Request because it is overly burdensome and would be disruptive to District Operations

With respect to your request for "all emails" as noted above, the Board is denying that request for the following reasons.

The request is an invalid request for email communications. In that respect, the GRC has previously established that for an OPRA request seeking emails to be valid the request must contain: "(1) the content and/or subject of the e-mail, (2) the specific date or ranges of dates during which the email was transmitted or the emails were transmitted, and (3) a valid e-mail request must identify the sender and/or recipient thereof." See Joseph A. Elcavage v. West Milford Twp., GRC Complaint No. 2009-07 (April 8, 2010). Here, the Request fails to identify any sender and/or recipient, and rather impermissibly seeks "all emails" referencing Freehold Regional High School District and Bark, rather than specific employees or agents of the District or Bark.

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 District 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, or by e-mail at [grc@dca.state.nj.us](mailto:grc@dca.state.nj.us), or at their website at [www.state.nj.us/grc](http://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,

A handwritten signature in blue ink, appearing to read "SB", followed by a horizontal line.

Sean Boyce, CPA  
Assistant Superintendent for Business Administration/Board Secretary  
Records Custodian