



WRIGHTSTOWN BOROUGH
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December 14, 2018

Anonymous Community Member
C/O opra+request-3160-83b3e728@requests.opramachine.com

Re: OPRA Request

Dear Sir or Ma'am,

Wrightstown Borough received your OPRA request email dated December 6, 2018, 8:01 p.m. on Friday, December 7, 2018. Your request also seeks the materials under the common law right of access. The seven business days to respond to your request commenced on December 10, 2018. The Borough provides this denial under OPRA and the common law right of access within OPRA's seven-day response period.

The Open Public Records Act

Your request seeks "bids" spanning more than 12 years (January 2006 through March 2018). OPRA only allows requests for records, not requests for information. *MAG Entm't, LLC v. Div. of Alcoholic Beverage Control*, 375 N.J. Super. 534, 546-49 (App. Div. 2005). In this regard, OPRA "is not intended as a research tool ... to force government officials to identify and siphon useful information." *Id.* at 546. In other words, a records custodian is not required "to conduct research among its records... and correlate data from various government records in the custodian's possession." *Id.* at 546-47. To qualify under OPRA the request must reasonably identify a specific record and not generally data, information or statistics.

OPRA does not "authorize a party to make a blanket request for every document" a public agency has on file. *Gannett New Jersey Partners L.P. v. County of Middlesex*, 379 N.J. Super. 205, 213 (App. Div. 2005). Rather, a party requesting access to a public record under OPRA must specifically describe the document sought. OPRA operates to make identifiable government records "readily accessible for inspection, copying, or examination." N.J.S.A. 47:1A-1. As such, 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.

Here, your request seeks a broad range of potentially responsive documents. OPRA frowns upon such open-ended requests. Courts have held such requests unenforceable.

The Borough invites you to provide greater clarity to your request. Please identify what documents you consider "Bids" and which "project(s)" you are referencing. Once the Borough

fully understands what document or documents you are seeking, it will endeavor to locate and provide such documents.

Please note the request in its current form would more than likely require the imposition of a special service charge. OPRA permits such charges when the response to a request would create a substantial disruption to agency operations. Here, with a request seeking 12+ years of materials, there is a strong possibility that the Borough has properly destroyed such documents or they are located in offsite locations. Further, some of these documents are not kept in electronic form so when the Borough identifies responsive documents, it would need to scan the materials to provide to you electronically. Bid specifications are typically several hundred pages in length and may contain construction plans and architectural drawings that are expensive to reproduce. Actual cost can be charged in such instances.

Again, the Borough denies the request as presented but if refinement still causes the above-identified issues, the Borough will generate a special service charge estimate and present it to you before work would commence. The law permits a deposit for the special service charge, especially because of the request's anonymity. Finally, based on the extensive nature of the request, the Borough will require an extension of time. The Borough's extension length is contingent upon your ability to refine the request.

Common Law

The Borough further denies this request under the common law right of access. The common law requires the requestor to present a reason for the document request. The agency performs a balancing test between the requestor's right to access and the government's right to withhold the documents. Here, you have not provided any reason for requesting more than 12 years of documents so the Borough cannot perform the balancing test. As such, denial is appropriate under the common law rather than exhausting hours upon hours if not weeks upon weeks retrieving potentially responsive documents both on and off site.

Upload links

Based upon advice from computer consultants, Borough employees do not click on links in emails from anonymous requestors. If the request is refined and the Borough can identify responsive documents, the Borough will coordinate an alternative means of providing the documents electronically or in hard copy.

The Borough closes this OPRA and common law request until you provide greater detail and clarification.

Sincerely,



Freda H. Gorman, RMC
Records Custodian