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THE CITY OF NEW BRUNSWICK
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Mr. Charles Kratovil

VIA EMAIL ONLY: opra+request-14827-a25a4e70@requests.opramachine.com

RE: OPRA 20.07_282

Dear Mr. Kratovil:

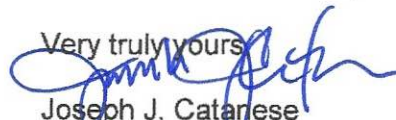
The City of New Brunswick is in receipt of your Open Public Records Act request dated Saturday July 4, 2020, and received on Monday July 6, 2020. Kindly be advised that your request for "a copies (sic) of all versions of the City of New Brunswick's "Pandemic Continuity Plan"... is denied as the document you are requesting is a confidential plan that is part of the City's Emergency Management Plan, which is not subject to disclosure pursuant to exemptions found in N.J.S.A. 47:1A-1.1; N.J.S.A. 47:1A-9; Executive Order No. 21 (McGreevey 2002); Russomanno v. Township of Edison, GRC Complaint No. 2012-307 (November 19, 2013); Vasquez v. Burlington County, GRC Complaint No. 2005-193 (February 17, 2005); Mariano v. New Jersey Department of Environmental Protection, GRC Complaint No. 2003-140 (February 27, 2004).

In particular the GRC found that, "OPRA recognizes exemptions to disclosure found in any EO of the Governor, or any regulation promulgated under the authority of any EO of the Governor. See N.J.S.A. 47:1A-9(a). As such, the following types of records are not considered government records and therefore need not be disclosed by a records custodian:

[a]ny government record where the inspection, examination or copying of that record would substantially interfere with the State's ability to protect and defend the State and its citizens against acts of sabotage or terrorism, or which, if disclosed, would materially increase the risk or consequences of potential acts of sabotage or terrorism. EO No. 21 (McGreevey 2002).

"The disclosure of the document you seek will jeopardize emergency management operations and personnel while implicating additional security and privacy concerns, such as those listed in N.J.S.A. 47:1A-1.1 and EO no. 21 (McGreevey 2002)". See Russomanno v. Township of Edison, GRC Complaint 2012-307 (November 19, 2013).

Very truly yours,


Joseph J. Catanes
Assistant City Attorney