



April 27, 2023

LetMeBeFrank

Undisclosed address

Via email: opra+request-41800-18f7c4f8@requests.opramachine.com

Re: OPRA Request: C200091

Dear LetMeBeFrank:

The Agency received your Open Public Records Act (OPRA) request on April 18, 2023. The seven business day deadline to respond to your request is April 27, 2023. Your request was received as follows:

“What: COAH agreements and financial transactions

When: 1975 - 2022

Where: Borough of Lindenwold, Camden County, NJ”

Please note the following with respect to your request:

A. To the extent your request seeks “COAH Agreements” re: the Borough of Lindenwold, our search has yielded no responsive records to this point. However, the search is ongoing and will require additional time beyond the seven (7) business days to fulfill because of the extremely broad timeframe of the request and the need for staff to search archived documents. OPRA allows custodians to seek extensions of time pursuant to N.J.S.A. 47:1A-5.i. Specifically, OPRA states that, “the requestor shall be advised by the custodian when the record can be made available. If the record is not made available by that time, access shall be deemed denied. Your request requires an extension of time until May 11, 2023.

B. To the extent your request seeks “COAH ... financial transactions” re: the Borough of Lindenwold, this portion of your request does not identify particular records or documents, nor specifying particular projects within Lindenwold, nor the dates of Agency action. If a request does not name specifically identifiable records or is overly broad, a custodian may deny the request. Such requests seek information, require research, ask questions and/or do not identify specific government records. As such, the request is an invalid OPRA request and must be denied. Agencies are only obligated to disclose identifiable government records. See, MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534 (App. Div. 2005), The statute “only allows requests for records, not requests for information.” Bent v. Stafford Police Department, 381 N.J. Super. 30, 37 (App. Div. 2005). A proper request “must identify with reasonable clarity those documents that are desired.” *Ibid*. When a request is “complex” because it fails to specifically identify the documents sought, that request is not consistent with OPRA. See, New Jersey Builders Association v. New Jersey Council on



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Affordable Housing, 390 N.J. Super. 166, 180 (App. Div. 2007). A valid OPRA request must identify with reasonable clarity those documents that are desired. See, Bent v. Stafford Police Department, 381 N.J. Super. 30, 37 (App. Div. 2005). Custodians are not required to conduct research, anticipate what the requestor may be seeking, nor to create new records in response to an OPRA request.

The Agency reserves the right to raise any other grounds for denial not raised in this response. Failure of the Agency to assert an exemption or privilege does not act as a waiver of any grounds for denial. Furthermore, a reviewing Court or the Government Records Council ("GRC") may deem a denial of access to be authorized on grounds other than those advanced by a custodian. See Paff v. Twp. of Plainsboro, A-2122-05T2 (App. Div. 2007), affirming, Paff v. Township of Plainsboro, GRC Complaint No. 2005-29 (March 2006). If your request for access to a government record has been denied or unfilled within the seven business day period, you have a right to challenge the decision by the Agency 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.

Sincerely,

Peter Yasenchak
OPRA Custodian
Division of Regulatory Affairs
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