



Public Schools of Edison Township

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Bernard F. Bragen, Jr., Ed.D
Superintendent of Schools

Daniel P. Michaud
Business Administrator/Board Secretary

August 25, 2020

VIA EMAIL:

Akhil Malhotra
opra+request-15875-248439ef@requests.opramachine.com

Re: OPRA Request dated August 10, 2020

Dear Mr. Malhotra:

As custodian of records for the Edison Township Board of Education ("Board"), I am writing this letter in response to your request for records pursuant to the Open Public Records Act ("OPRA") dated and received via email on August 10, 2020.

More specifically, your request seeks access to the following:

"Copy of Agreement which was recently signed between Edison Board of Education and ETEA for next 3 years"

The Agreement between the Edison Board of Education and the ETEA for the next 3 years is in draft format. Draft documents are not government records and are therefore prohibited from disclosure pursuant to OPRA. The draft contract in its entirety is exempt from disclosure as confidential inter-agency advisory, consultative and deliberative material ("ACD") pursuant to N.J.S.A. 47:1A-1.1. It has consistently been held by the courts that draft records of a public agency fall within the deliberative process privilege. See U.S. v. Farley, 11 F.3d 1385 (7th Cir. 1993); Pies v. U.S. Internal Rev. Serv., 668 F.2d 1350 (D.C. Cir. 1981); N.Y.C. Managerial Employee Ass'n. v. Dinkins, 807 F. Supp., 955 (S.D.N.Y. 1992); Archer v. Cirrincione, 722 F. Supp. 1118 (S.D.N.Y. 1989); Coalition to Save Horsebarn Hill v. Freedom of Info. Comm., 932, 815 A.2d 132 (2003).

In view of the foregoing, your OPRA request is hereby denied. This letter constitutes a full and complete response to your OPRA request and therefore, your OPRA request is closed.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Daniel P. Michaud", is written over a circular blue ink stamp. The signature is fluid and cursive.

Daniel P. Michaud
Business Administrator/Board Secretary

Nothing Less Than Excellence