

Red Bank Borough Public Schools

Dream BIG... We'll help you get there!

76 Branch Avenue | Red Bank, NJ 07701
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Valery Petrone
Interim Business Administrator/Interim Board Secretary



January 26, 2023

VIA EMAIL ONLY: opra+request-39368-ad21d57f@requests.opramachine.com
Monmouth County Electricians

RE: OPRA Request dated January 20, 2023

Dear Sir/Madam:

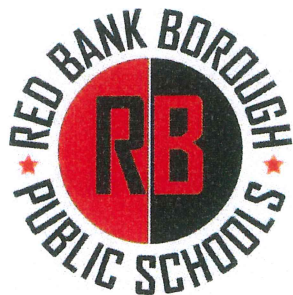
As custodian of records for the Red Bank Borough Board of Education ("Board" and/or "District"), I am writing this letter in response to your request for records pursuant to the Open Public Records Act ("OPRA") submitted and received via email on Friday, January 20, 2023.

As a preliminary matter, please be advised the OPRA provides that "...a public agency has a responsibility and an obligation to safeguard from public access a citizen's personal information with which it has been entrusted when disclosure thereof would violate the citizen's reasonable expectation of privacy..." N.J.S.A. 47:11A-1. Redactions to remove home addresses, personal email addresses, and personal cell phone numbers have been upheld by both the GRC and New Jersey Courts in order to protect a citizen's reasonable expectation of privacy. See *Scheeler v. New Jersey Dept. of Educ.*, 2017 WL 218259, at 4 (App. Div. 2017); *Doe v. Poritz*, 142 N.J. 82 (1995) (holding that the public disclosure of an individual's home address implicates OPRA's privacy concerns); *D'Andrea v. N.J. Civil Service Comm'n*, GRC Complaint No. 2014-153 (2015) (holding that personal email addresses can be redacted); *Flora v. Ocean County Health Dept.*, GRC Complaint No. 2013-188 (2015) (personal cell numbers may be redacted to protect citizen's privacy interests).

Further, there are long-standing regulations governing the confidentiality of student records and limiting access to those records to a select few. See N.J.A.C. 6A:32-2.1; and -7.1 et seq. These regulations are specifically authorized by N.J.S.A. 18A:36-19 and are a corollary to the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g; 34 CFR Part 99. More specifically, N.J.A.C. 6A:32-2.1 defines "student records" as "information related to an individual student gathered within or outside the school district and maintained within the school district, regardless of the physical form in which it is maintained." Student records can only be provided to individuals and organizations specifically authorized by regulation to access those records. See N.J.A.C. 6A:32-7.1 and -7.5. Only "records removed of all personally identifiable information" will not meet the definition of a student record. See N.J.A.C. 6A:32-7.5(g)(1).

The Board responds more specifically to your request below:

"A full Excel file or PDF of any and all contracts and vendor lists, as well as everyone who has been paid by the town or board in the last year (1/1/22 - present). Total amount paid to each vendor or contractor. Please do not break it up by individual items. Contract or Vendor and full amount for the year next to it."



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Enclosed please find vendor reports from January 1, 2022 through January 20, 2023 itemizing each vendor/payee and the total amount paid, which have been redacted to protect confidential personnel information pursuant to N.J.S.A. 47:1A-10 and N.J.S.A. 10:4-12(b)(8); confidential personal information pursuant to N.J.S.A. 47:1A-1.1; and, confidential student information pursuant to N.J.S.A. 41:1A-1, N.J.A.C. 6A:32-7.1, et seq., the Family Educational Rights & Privacy Act ("FERPA") (20 U.S.C. § 1232g; 34 CFR Part 99), and L.R. v. Camden City Pub. Sch. Dist., 238 N.J. 547 (2019), as explained in more detail above.

As the documents identified above are being provided to you in electronic format only, there is no charge associated with your request. The foregoing information and the enclosed documents constitute the Board's full and complete response to your OPRA request and therefore, your OPRA request is closed.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Valery Petrone', is written over a faint, larger version of the same signature.

Valery Petrone
Interim School Business Administrator/Board Secretary