

Hanover Township Public Schools

61 Highland Avenue
Whippany, NJ 07981-1399

Vanessa M. Wolsky
Business Administrator/Board Secretary

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September 1, 2023

VIA E-MAIL [opra+request-47177-5d7476db@requests.opramachine.com]
Michael Gottesman

Re: Open Public Records Act Request

Dear Mr. Gottesman:

The Hanover Township Board of Education (“District”) records custodian received your Open Public Records Act (“OPRA”) request on July 25, 2023. On August 3, 2023, the District obtained an extension to respond to your OPRA request until September 5, 2023. As such, the District is timely responding to your request in accordance with New Jersey law.

Your OPRA request seeks the following records:

Copies of all legal bills received and/or paid by the Hanover School District from January 1, 2022 to present. This includes bills from the Board Counsel currently under contract with the Board or any Board Counsel previously under contract with the Board during the time in question. It also includes bills received and/or paid to any outside counsel that may have been retained for Board business.

The District conducted a good-faith search and identified the enclosed 87 pages as responsive. Please be advised that the District redacted the invoices to remove information protected by attorney-client privilege and attorney work-product. OPRA specifically provides that certain records are deemed to be confidential, and thus are not encompassed within the definition of a “government record” under OPRA. This includes any record within the attorney-client privilege. See N.J.S.A. 47:1A-1.1. OPRA further specifies that while attorney bills are not fully exempt from public access, “such bills or invoices may be redacted to remove any information protected by the attorney-client privilege.” Accordingly, the responsive records have been redacted to remove references to specific topics of legal research, legal strategies, and discussion/correspondence between the District’s legal counsel and the District’s representatives to ensure that confidential communications in the course of the lawyer-client relationship are not inadvertently revealed.

Please also note that the enclosed records contain personal identifying information of students. N.J.S.A. 47:1A-9(b) allows exemptions from disclosure for any grant of confidentiality established or recognized by the Constitution of this State, statute, court rule or judicial case law, to apply to OPRA. The Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. 1232(g) and its supplemental regulations codified under 34 C.F.R. 99.30, precludes schools from disclosing student names and personal identifying information without obtaining consent. See

also N.J.A.C. 6A:32-7.1 to -7.8. Accordingly, the invoices have also been redacted to remove identifiable student information.

Lastly, N.J.S.A. 47:1A-1.1 exempts information generated by or on behalf of public employers in connection with collective negotiations, including documents or statements of strategy or negotiation position. See Paff v. Gloucester City (Camden), GRC Complaint No. 2009-102 (June 2011). Accordingly, the invoices have also been redacted to remove information pertaining to collective negotiations.

Your OPRA request is now deemed answered and closed. Thank you for your attention to this matter.

Very truly yours,

Vanessa M Wolsky

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Enclosures