



MIDDLESEX COUNTY PROSECUTOR'S OFFICE

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Christopher L. C. Kuberiet
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June 8, 2018

Ask NJ Media Co.

Via Email: opra+request-1520-15eaf1e5@requests.opramachine.com

To whom it may concern:

The Middlesex County Prosecutor's Office is in receipt of your email, dated May 29, 2018, requesting the amount of the special service charge assessed to your OPRA Request for the following records:

1. "Copies of email logs for Middlesex County Prosecutor Andrew C. Carey from February 15, 2018 to April 20, 2018. Please include sender, recipient, date and subject."
2. "Copies of email logs for Middlesex County First Assistant Prosecutor Christopher L.C. Kuberiet from February 15, 2018 to April 20, 2018. Please include sender, recipient, date and subject."
3. "Copies of email logs for Middlesex County Deputy First Assistant Prosecutor Christie Bevacqua from February 15, 2018 to April 20, 2018. Please include sender, recipient, date and subject."
4. "Copies of email logs for Middlesex County Deputy First Assistant Prosecutor Brian D. Gillet from February 15, 2018 to April 20, 2018. Please include sender, recipient, date and subject."
5. "Copies of email logs for Middlesex County Chief of County Detectives, Gerard P. McAleer from February 15, 2018 to April 20, 2018. Please include sender, recipient, date and subject."
6. "Copies of email logs for Middlesex County Chief of Staff, Robert Merkler from February 15, 2018 to April 20, 2018. Please include sender, recipient, date and subject."
7. "Copies of email logs for Sgt. Adrian Villegas from February 15, 2018 to April 20, 2018. Please include sender, recipient, date and subject."
8. "Copies of email logs for Captain Christopher Penna from February 15, 2018 to April 20, 2018. Please include sender, recipient, date and subject."

As stated in the Middlesex County Prosecutor's Office, May 9, 2018, response to your initial OPRA request the Middlesex County Prosecutor's Office does not maintain a log of employees' emails, therefore the records you requested do not exist.

In addition, a careful review by a systems analyst has determined that the number of emails between February 15, 2018 to April 20, 2018 with the parameters of sender, recipient, date and subject for the eight employees of the Middlesex County Prosecutor's Office mentioned in your request total 48,721 emails.

The voluminous request for retrieving the 48,721 emails from the period of February 15, 2018 to April 20, 2018 for the eight-people listed in your request would require an extraordinary expenditure of time and effort to comply with your request beyond the normal scope of business.

OPRA allows public agencies to impose special service charges whenever the nature, format, manner of collation, or volume of a government record embodied in the form of printed matter to be inspected, examined, or copied pursuant to this section is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size or when fulfilling a request requires an extraordinary expenditure of time and effort. See N.J.S.A. 47:1A-5.c. Special service charges must be based upon the actual direct cost of providing the copy or copies.

That being said, complying with your request would involve the following tasks which would be performed by the lowest level employee capable of fulfilling the request, at their hourly rate minus fringe benefits.

First, the systems analyst, who is the only employee at the Middlesex County Prosecutor's Office specially trained for this task, must create a repository of the emails from the current system for each of the eight-people named in your OPRA Request. This is allowed at a maximum number of 100 emails at a time which would take approximately ten minutes. Therefore, this must be done 487 times to accommodate the 48,21 emails. The analyst must restore and then reformat the view of the stored emails in each of the eight repositories into a log. Therefore, this portion of the task would take 4,870 minutes or approximately 81 hours at a hourly rate of \$50.74.

Once the eight email logs are complete an attorney would have to review the email logs to determine which information is confidential, which portion would have to be redacted, and under which exemption if any applies.

Many of these emails are subject to OPRA exceptions, redactions, and exemptions; containing attorney work product, confidential information, deliberative process privileged materials, and inter-agency/intra-agency advisory communications which if revealed would compromise the integrity of investigations, agency security, operational techniques or procedures and legal strategies.

This extremely time-consuming process of examination and redacting would be at an attorney's hourly rate of \$60.58 for approximately 300 hours to review the 48,721 emails listed in the logs.

The last portion of the request would be performed by an employee with the title of agent who would review, write the response and download the documents requested at an hourly rate of \$43.47. This agent was hired, assigned and specifically trained to oversee the release of information from the Middlesex County Prosecutor's Office. There is no other lower paid employee at the office that is trained to monitor the inspection or examination of documents to be released from the Office.

In closing, the Middlesex County Prosecutor's Office's special service charge is based on the guidelines provided under N.J.S.A. 47:1A-5C due to the expenditure of time and effort to comply with the portion of your request for email logs of eight people at the Middlesex County Prosecutor's Office; totaling 48,721 emails and logs of which did not exist.

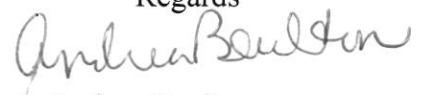
As a reply to your email, dated May 29, 2018, the Middlesex County Prosecutor's Office has determined that the amount of the special service charge assessed to your OPRA Request is estimated to be in the total amount of \$22,370.88. This calculation is based on an approximate number of hours needed to complete the response as follows: 81 hours at an hourly rate of \$50.74 for a systems analyst, 300 hours at an hourly rate of \$60.58 for an attorney, and 2 hours at an hourly rate of \$43.47 for an agent.

In its May 9, 2018 response, The Middlesex County Prosecutor's Office suggested that you narrow and identify the parameters set in your request, for example, by narrowing the dates and identifying the subject and sender or recipient, which was not acknowledged in your May 29, 2018 email.

Again, we suggest that you narrow the parameters of your request by identifying the subject matter, narrow the date field, or identify a sender or recipient in an effort to reduce the amount of time and effort it would take to prepare a response; therefore, reducing the fee applied to your request.

Kindly respond in writing with your acceptance or rejection of this estimated charge. We will not begin to process this request until we receive your written acceptance.

Regards



Andrea Boulton
Public Information Officer / Records Custodian
Middlesex County Prosecutor's Office