

Brian E Rumpf
Director of Administration and
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Custodian of Records



OCEAN COUNTY HEALTH DEPARTMENT

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April 7, 2020

Email: William Bailey [opra+request-10491-eb1b036d@requests.opramachine.com]

Dear Sir or Madam,

The Ocean County Health Department and Custodian of Records received your OPRA request, dated March 30, 2020 on March 31, 2020. As such, the seven (7) business day deadline to respond to your request is April 9, 2020. This answer is being furnished to you on the 5th day following your request.

Please accept this email as receipt of your email dated March 30, 2020 seeking certain records under the Open Public Records Act. Public Law 2020 c. 20 provides that during a period declared pursuant to the laws of this State as a state of emergency, public health emergency, or state of local disaster emergency, the deadlines by which to respond to a request for, or grant or deny access to, a government record under the Open Public Records Act shall not apply. The Ocean County Health Department personnel is fully committed to addressing the current state of emergency and will make a reasonable effort, as the circumstances permit, to respond to a request for access to a government record as soon as possible. However, at this time the response cannot be fulfilled within the seven days.

Further, we respectfully object to part two of your request as invalid. This request seeks information or asks questions and does not identify specific government records. As such, your request is an invalid OPRA request and is denied. The New Jersey Superior Court has held "[w]hile OPRA provides an alternative means of access to government documents not otherwise exempted from its reach, it is not intended as a research tool litigants may use to force government officials to identify and siphon useful information. Rather, OPRA simply operates to make identifiable government records 'readily accessible for inspection, copying, or examination.' N.J.S.A. 47:1A-1." (Emphasis added.) *MAG Entertainment, LLC v. Division of Alcoholic Beverage Control*, 375 N.J.Super. 534, 546 (App. Div. 2005). The Court added that "[u]nder OPRA, agencies are required to disclose only 'identifiable' government records not otherwise exempt ... In short, OPRA does not countenance open-ended searches of an agency's files." (Emphasis added.) *Id.* at 549.

At this time we request clarification of your OPRA request. Please respond in writing and identify the specific government records sought so that we may process your request. Failure to provide written clarification of your request will result in the closure of this OPRA request.

Regards,

Patrick Smeretsky

On behalf of: Brian E, Rumpf, Custodian of Records

BER/ps