



OCEAN COUNTY HEALTH DEPARTMENT

P.O. Box 2191

Toms River, NJ 08754-2191

(732) 341-9700

Fax: (732) 831-6485

Email: BRumpf@ochd.org

August 31, 2021

Email: opra+request-25523-a50ab132@requests.opramachine.com

Dear Sir/Madam:

The Ocean County Health Department and Custodian of Records received your OPRA request, dated, August 20, 2021, received on August 20, 2021. As such, the seven (7) business day deadline to respond to your request is August 31, 2021. This answer is being furnished to you on the 7th day of your request.

Regarding:

COVID 19 daily case	counts	at all LTC	facilities in Ocean County from	June 1st - August 20, 2021
---------------------	--------	------------	------------------------------------	-------------------------------

Your request is being denied on the basis of falling under Overly Broad/Unduly Burdensome Objection – Clarification Needed:

The above request is an invalid “blanket request” prohibited under the Open Public Records Act (“OPRA”). 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.

With that said, please note that there are no documents which reflect daily case counts of Long Term Care Facilities maintained by this department.

In the spirit of cooperation if you could, in writing, identify the specific government records sought or narrow the scope of the request so that we may process your request. Failure to provide written clarification of your request will result in the closure of this OPRA request.

You have the right to challenge any decision by the Ocean County Health Department to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with Government Records Council.

Should you wish to discuss this matter further, please do not hesitate to contact me.

Regards,

Krystal Jones

On behalf of Brian E. Rumpf, Custodian of Records

BER/kj