



Carteret Police Department

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Chief of Police
Dennis McFadden

March 25, 2021

Dear Mr. Radwan,

The Carteret Borough Hall received your OPRA Records Act (OPRA) request on dated May 13, 2021. The official Records Custodian, Captain Jeffrey VanWoeart received your OPRA request on March 17, 2021. As such, the seven (7) business day deadline to respond to your request was May 25, 2021. This response is being provided today.

The following specific records have been requested:

"Email logs for LT John Kelly from 3/2/2021 to 5/12/2021"

Enacted on March 20, 2020, P.L. 2020, c. 10 amended **N.J.S.A 47:1A-5(i)** as follows: 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 paragraph (1) of this subsection or subsection e. of this section shall not apply, however, that the custodian of a government record shall make a reasonable effort, as the circumstances permit, to respond to a request for access to a government record within seven business days or as soon as possible thereafter.

(ID. AT (2).)

P.L. 2020, c. 10 provides that OPRA's statutory deadlines do not apply for the duration of a Governor-declared state of emergency pursuant to the Disaster Control Act (**N.S.S. A. App.A.9-33 et seq.**) or a public health emergency under the Emergency Health Powers Act (**N.J.S.A 26:13-1 et seq.**), or when a state of local disaster emergency is declared by a county or by a municipality. Further, the new amendment requires custodians to make a "reasonable effort" to respond to an OPRA request during that time. However, the amendment also adds that any

respond to any custodian with the ability to follow the deadlines as set forth in N.J.S.A 47:1A-5(e) and 5(i) should do so.

In furtherance of a custodian's "reasonable effort," the GRC notes that an available response option is to take extensions of time as needed. Due to COVID-19, the staff of our department is limited. The size of your request is voluminous and therefore requires additional time beyond the seven (7) business days to fulfill. OPRA allows custodians to seek extension of time pursuant to N.J.S.A. 47:1A-5.I. Specifically, OPRA states that, "the requestor shall be advised by the custodian when the record can be made available. If the record is not made available by that time, access shall be deemed denied."

Your request requires an extension of time until June 25, 2021.

If your request for access to a government record has been denied or unfilled within seven (7) business days by law, you have the right to challenge the decision by the Carteret Police 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 the Government Records Council (GRC) by completing the Denial of Access Complaint form. In addition to the website, information can be obtained from GRC Staff by email Government.Records@dca.nj.gov, toll-free phone number (866-855-0511), fax (609-633-6337), or by US mail at PO Box 819, Trenton, New Jersey, 08625-0819. .

Respectfully,

Captain Jeffrey VanWoeart

