



FREEHOLD REGIONAL HIGH SCHOOL DISTRICT

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Assistant Superintendent for
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September 24, 2021

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Pamela Richmond

Dear Ms. Richmond.

This letter is in response to your three separate OPRA Requests dated September 14, 2021 and three separate OPRA Requests dated September 15, 2021. Due to the fact that the District was closed on Thursday, September 16, 2021 in observation of the Yom Kippur Holiday, the seventh business day by which the Board must respond to your September 14, 2021 Requests is Friday, September 24, 2021, and the deadline for your Requests dated September 15, 2021 is September 28, 2021. This response is being provided to you within those timeframes.

OPRA defines a "government record" of a public entity as "any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed document, information stored or maintained electronically or by sound-recording or in a similar device, or any copy thereof, that has been made, maintained or kept on file in the course of his or its official business ..." N.J.S.A. 47:1A-1.1. Accordingly, the Board is required to produce only those records which it maintains in the official course of business and which are not otherwise exempt from production. Pursuant to the definition of a government record, a public entity is not required by OPRA to research information and/or create records that do not exist in response to OPRA requests. See e.g., Mag Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 537 (App. Div. 2005).

Your first Request dated September 14, 2021 sought the following:

*Please provide me with the following
List of district physicians
Contact Information for each*

Response: Please be advised that an OPRA request is a vehicle for accessing government records rather than for the purposes of submitting questions and/or requests for information. As such, the Request could be denied as improper. However, in the spirit of OPRA, the Board's resolution for the appointment of the Board's School Physicians for the 2021-2022 school year is enclosed.

Your second Request dated September 14, 2021 sought the following:

Please provide me with any and all correspondence from department of health to the Superintendent and building principles on mask policies.

Response: Please be advised that an OPRA request is a vehicle for accessing government records rather than for the purposes of submitting questions and/or wholesale requests for information. Further, the GRC has previously established that for an OPRA request seeking emails and/or other written communications to be valid the request must contain: (1) the content and/or subject of the e-mail or correspondence, (2) the specific date or range of dates during which the e-mail/correspondence was transmitted, and (3) a valid e-mail/correspondence request must identify the sender and/or the recipient thereof. Here the request does not contain any date range or range of dates, and therefore does not identify a specific government record and as such could be denied.

Notwithstanding the above, the Board does not have any documents that are responsive to this request. By way of further explanation, Governor Murphy has issued Executive Orders 251 and 253, which require, among other requirements, that masks are to be worn at all times in all public and non-public schools in the State of New Jersey unless one of the exceptions noted in those Orders is present. Throughout this ongoing pandemic, the District has consistently followed State and Local guidance as well as specific mandates, and will continue to do so.

Your third Request dated September 14, 2021 sought the following:

Please provide me with any and all correspondence from the NJEA to the Superintendent and building principles regarding mask policies

Response: Please be advised that an OPRA request is a vehicle for accessing government records rather than for the purposes of submitting questions and/or wholesale requests for information. Further, the GRC has previously established that for an OPRA request seeking emails and/or other written communications to be valid the request must contain: (1) the content and/or subject of the e-mail or correspondence, (2) the specific date or range of dates during which the e-mail/correspondence was transmitted, and (3) a valid e-mail/correspondence request must identify the sender and/or the recipient thereof. Here the request does not contain a specific sender, rather just references the "NJEA" generally, nor does it contain a date range or range of dates, and therefore does not identify a specific government record and as such could be denied.

Notwithstanding the above, the Board does not have any documents that are responsive to this request.

Your first Request dated September 15, 2021 sought the following:

Please provide me with Notes , emails and any correspondence including any of the following school nurse , board of health and the superintendent on the negative effects of the masks in school

Response: Please be advised that an OPRA request is a vehicle for accessing government records rather than for the purposes of submitting questions and/or wholesale requests for information. Further, the GRC has previously established that for an OPRA request seeking emails and/or other written communications to be valid the request must contain: (1) the content and/or subject of the e-

mail or correspondence, (2) the specific date or range of dates during which the e-mail/correspondence was transmitted, and (3) a valid e-mail/correspondence request must identify the sender and/or the recipient thereof. Here the request does not contain any date range or range of dates, and therefore does not identify a specific government record and as such could be denied.

Notwithstanding the above, the Board does not have any documents that are responsive to this request. By way of further explanation, Governor Murphy has issued Executive Orders 251 and 253, which require, among other requirements, that masks are to be worn at all times in all public and non-public schools in the State of New Jersey unless one of the exceptions noted in those Orders is present. Throughout this ongoing pandemic, the District has consistently followed State and Local guidance as well as specific mandates, and will continue to do so.

Your second Request dated September 15, 2021 sought the following:

Any and all contracts with any and all district physicians and their groups and / or offices

Response: The Board's contracts with its School Physicians for the 2020-2021 school year are enclosed.

Your third Request dated September 15, 2021 sought the following:

All teacher and staff In all schools vaccination records

Response: This request seeks information that would constitute personnel records that are not required to be disclosed under OPRA . In addition, this request is seeking records that would disclose information related to an individual's medical history, which is also exempt from disclosure under OPRA. As a result, the request is denied.

If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by the District 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. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ 08625, or by e-mail at grc@dca.state.nj.us, or at their website at www.state.nj.us/grc. The GRC can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S. Boyce', followed by a horizontal line.

Sean Boyce, CPA
Assistant Superintendent for Business Administration/Board Secretary
Records Custodian