

East Newark Public School

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Superintendent / Principal



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VIA E-MAIL [opra+request-63599-1c2ed2ff@requests.opramachine.com]

East Newark Residents

Re: Open Public Records Act/Common Law Request

Dear Sir/Madam:

The East Newark School Public School ("District") records custodian received your Open Public Records Act ("OPRA") and common law request ("Request") on July 16, 2024. The seven business day deadline to respond to your Request is August 8, 2024. As such, the District is timely responding to your Request.

Your Request seeks the following records:

I am writing to request copies of any email communications containing the subject line "East Newark School District" that were sent or received between March 1, 2024, and April 30, 2024.

Please be advised that your Request is invalid as overly broad. Both New Jersey courts and the GRC have upheld an established criteria deemed necessary to specifically identify and facilitate a search for responsive e-mails and other written communications. See Armenti v. Robbinsville Bd. of Educ., GRC Complaint No. 2009-154 (Interim Order May 24, 2011); see also Zahler v. Ocean County College, GRC Complaint No. 2013-266 (Jan. 2016).

In Elcavage v. West Milford Township, GRC Complaint No. 2009-07 and 2009-08 (April 2010), the GRC determined that in accordance with legal precedent: "[I]n order to specifically identify an e-mail the OPRA request must contain (1) the content and/or subject of the e-mail, (2) the specific date or range of dates during which the e-mail was transmitted or the e-mails were transmitted, and (3) **identification of the sender and/or the recipient thereof.**" Requests seeking correspondence but omitting specific senders and/or recipients are invalid. See Lewis-Gallagher v. Monroe Twp. Pub. Sch. Dist., GRC Complaint No. 2018-8 (Sept. 2019); see also Shipyard Associates, L.P. v. City of Hoboken, 2015 WL 10352982 (App. Div. 2015) (holding, in part, that a request for correspondence received by the public entity's employees, agents, or City Council lacked the requisite level of specificity because it failed to provide the names of any of the entity's employees or agents); see also Burke v. Ocean Cty., 2013 WL 6169154 (App. Div. 2013) (holding that an OPRA request is not the equivalent of lawsuit discovery). Accordingly, your Request is invalid as it fails to comport with OPRA's specificity requirements.

To the extent that you are seeking access pursuant to the common law right of access, your Request is similarly deficient for the reasons stated above.

Your Request is now deemed answered and closed. Thank you for your attention to this matter.

Very truly yours,

Emidio D'Andrea

Interim Business Administrator/Board Secretary