



New Jersey Senate
P.O. Box 099
Trenton, New Jersey 08625-0099
(o) 609-847-3700
(f) 609-633-7254

Nicholas P. Scutari
Senate President

Timothy Lydon
Executive Director

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VIA ELECTRONIC MAIL - opra+request-64344-
7dbc1225@requests.opramachine.com

Concerned Citizen

Dear Concerned Citizen:

This letter is in response to your email requesting documents pursuant to the Open Public Records Act (OPRA) to the New Jersey Senate Democratic Office dated August 1, 2024. Your request was received electronically and delivered to me on August 1, 2024.

You requested the following: "E-mail correspondence between employees of the Senate Democratic Office and the members of AIPAC (American Israel Public Affairs Committee)." We respectfully deny your request for the following reasons.

First, your request is denied because it is overly broad and unclear due to the lack of date ranges, the lack of sender/recipient identification, and the lack of subject matter identification. In general, public agencies are only obligated to disclose identifiable government records. MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534 (App.Div.2005). The OPRA statute "only allows requests for records, not requests for information." Bent v. Twp. of Stafford Police Dep't, 381 N.J. Super. 30, 37 (App.Div. 2005). A proper request "must identify with reasonable clarity those documents that are desired." Ibid. "Wholesale requests for general information to be analyzed, collated and compiled" by the records custodian are outside OPRA's scope. MAG Entm't, supra, 375 N.J. Super. at 549.

Second, your request is denied on the basis that any documents responsive to your request are excluded from the OPRA definition of "government record" and are therefore exempt from disclosure. Pursuant to N.J.S.A.47:1A-1.1, a government record does not

include "information received by a member of the Legislature from a constituent or information held by a member of the Legislature concerning a constituent, including, but not limited to, information in written form or contained in any e-mail or computer data base, or in any telephone record whatsoever, unless it is information the constituent is required by law to transmit," where "constituent" is defined as "any State resident or other person communicating with a member of the Legislature."

Third, your request is denied because the records you requested also fall under the second Legislative document exemption in N.J.S.A.47:1A-1.1. Pursuant to that law, "any memorandum, correspondence, notes, report or other communication prepared by, or for, the specific use of a member of the Legislature in the course of the member's official duties" is not considered to be a government record for which disclosure is required under OPRA.

Finally, to the extent your request seeks advisory, consultative, or deliberative material, those records are also excluded from the OPRA definition of "government record" and are therefore not subject to disclosure. Specifically, under N.J.S.A.47:1A-1.1: The term "government record" does not include inter-agency or intra-agency advisory, consultative, or deliberative material.

Please feel free to reach out to me if you have any questions. Thank you for corresponding with the Senate Democratic Office.

Sincerely,



Abbey True Harris
Chief Counsel