



Camden County Prosecutor's Office

25 N. Fifth Street
Camden, NJ 08102

REQUEST FOR PUBLIC RECORDS

PUBLIC RECORDS REQUEST RESPONSE

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TO: Frank J. McBride, Jr. (opra+request-28824-7b3fc64b@requests.opramachine.com)

☐ Document(s) provided: _____ pages at total cost of: _____

☒ Document(s) not provided (see below)

The document or documents listed below and requested by you are not being provided because the document or documents are not public records as provided by law, as noted below:

Privileged or Protected Category

Authority

- ☐ Autopsy Reports
- ☐ Child abuse or sex assault victim name or address
- ☐ Court records sealed
- ☐ Computer security information
- ☐ Criminal investigatory records
- ☐ Credit Card Numbers
- ☐ Grand Jury testimony, information
- ☐ Grievance information with public employer
- ☐ Domestic Violence data
- ☐ Drivers' license numbers
- ☐ DYFS information
- ☐ Electronic Surveillance Materials
- ☐ Emergency or security information or procedures
- ☐ Employee sexual harassment complaints
- ☐ Fingerprint cards
- ☐ Inter-agency or intra agency advisory communications
- ☐ Juvenile records
- ☐ Labor Negotiation information, strategy or positions
- ☐ Medical Examiner Photographs
- ☐ Otherwise inappropriate material
- ☐ Pension and personnel records
- ☐ Photographs
- ☐ Pre Sentence Investigations
- ☐ Privacy Interest

N.J.S.A. 47:1A-1.1, et seq.; N.J.S.A. 52:17B-92
N.J.S.A. 2A:82-46b
Executive Order 69
N.J.S.A. 47:1A-1.1, et seq.
N.J.S.A. 47:1A-1.1, et seq.
N.J.S.A. 47:1A-1.1, et seq.
Court Rule 3:6-7
N.J.S.A. 47:1A-1.1, et seq.
N.J.S.A. 2C:25-33
N.J.S.A. 47:1A-1.1, et seq.
N.J.S.A. 9:6-8.10
N.J.S.A. 2A:156A-19
N.J.S.A. 47:1A-1.1, et seq.; N.J.A.C. 13:1E-3.2
N.J.S.A. 47:1A-1.1, et seq.
Executive Order 69
N.J.S.A. 47:1A-1.1, et seq.
N.J.S.A. 2A:4A-60
N.J.S.A. 47:1A-1.1, et seq.; N.J.A.C. 13:1E-3.2
N.J.S.A. 47:1A-1.1, et seq.
Executive Order 69; N.J.A.C. 13:1E-3.2
N.J.S.A. 47:1A-1.1, et seq.
N.J.S.A. 47:1A-1.1, et seq.; Exec. Order 69
State v. DeGeorge, 113 NJ Super. 542 (App. Div. 1971)
N.J.S.A. 47:1A-1.1 et seq.; Asbury Park Press v. Ocean
County Prosecutor's Office, 374 N.J. Super. 312, 330 (Law
Div. 2004)
N.J.S.A. 47:1A-1.1, et seq.
N.J.S.A. 47:1A-1.1, et seq.; Exec. Order 69; N.J.A.C. 13:1E-3.2
N.J.S.A. 47:1A-1.1, et seq.; N.J.A.C. 13:1E-3.2
N.J.S.A. 47:1A-1.1, et seq.
N.J.S.A. 47:1A-1.1, et seq.
N.J.S.A. 2C:25-26c.
N.J.S.A. 47:1A-1.1, et seq.
Records Retention and Disposition Schedule
(NJ Dept. of State, Div. of Archives Mgmt.)

- ☐ Public Agency insurance communications
- ☐ Safety of persons or public
- ☐ Security measures and surveillance techniques
- ☐ Social Security Numbers
- ☐ Unlisted Telephone Numbers
- ☐ Victim locations (Domestic Violence)
- ☐ Victim records
- ☐ Record has been destroyed/not retained pursuant to:

☒ Other



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The Camden County Prosecutor's Office received your emailed OPRA request dated January 16, 2022 and received on January 18, 2022. Your email reads as follows:

Dear Camden County Prosecutor's Office,

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested:

This request is for electronic mail regarding work related activities. Responsive records may be on government email or non-government email.

Sender/Recipient: Any one or more of the following assistant prosecutors: Block, Jr., Spataro, Cogan, Soumilas, Sokol, Seixas, Eiden, MacNamara.

Sender/Recipient: Any representative of the Camden County Assistant Prosecutor's Association or New Jersey Assistant Prosecutor's Association. This includes but is not limited to attorney employees who are officers of the associations aforementioned and/or a union "representative" as defined in the collective bargaining agreement including but not limited to Elizabeth Doyle.

Subject/Message Key Words/Phrases: "Grievance," "Attorney ethics" and/or "OAE."

Date range: November 1, 2021 to the present.

Yours faithfully,

Frank J. McBride, Jr.

The Camden County Prosecutor's Office objects to this request as overly broad and/or unclear as it fails to name specifically identifiable government records and require research beyond the scope of a custodian's duties pursuant to MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N. J. Super. 534, 546 (App. Div. 2005), Bent v. Stafford Police Department, 381 N.J. Super. 30, 37 (App. Div. 2005), New Jersey Builders Association v. New Jersey Council on Affordable Housing, 390 N. J. Super. 166, 180 (App. Div. 2007), and Schuler v. Borough of Bloomsbury, GRC Complaint No. 2007-151 (February 2009). See also Toscano v. NJ Department of Labor, Division of Vocational Rehabilitation Services, GRC Complaint No. 2010-293 (March 2012), Elcavage v. West Milford Township (Passiac), GRC Complaint No. 2009-08 (April 2010), and Wolosky v. Township of Randolph (Morris), GRC Complaint No. 2010-244 (February 2012).

OPRA does not authorize a party to make a blanket request for "every document" or "all" documents. Bent v. Township of Stafford Police Dept., Custodian of Records, 381 N.J. Super. 30, 37, 39 (App. Div. 2005). The requestor's obligation is to specifically describe the document sought; the request may not be a broad, generic description of documents because the custodian is not required to speculate about what the requestor seeks, nor survey agency employees regarding the request. Bart v. Passaic Cnty. Pub. Hous. Agency, 406 N.J. Super. 445, 451-52 (App. Div. 2009).

Records custodians are required to search their files for responsive records, but not to conduct any research on behalf of the requestor. See Donato v. Tp of Union, GRC Complaint No. 2005-182, Analysis (February 28, 2007). However, custodians have no obligation to create responsive records. N.J. Builders Assoc., supra, 390 N.J. Super. at 171; Librizzi v. Tp of Verona Police Department, GRC Complaint No. 2009-213, Analysis (August 24, 2010). OPRA does not force government officials to identify and siphon useful information on behalf of the requestor, nor does it compel them to review, analyze, collate and/or compile data or statistics. N.J. Builders Assoc. v. N.J. Council on Affordable Housing, 390 N.J. Super. 166, 177 (App. Div. 2007), cert. denied, 190 N.J. 394 (2007); MAG Entertainment, supra, 375 N.J. Super. at 548-49; Reda v. Twp. of Milford, GRC Complaint No. 2002-58, Analysis.



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Please submit your request with the necessary specificity as to the documents you are seeking.

The Camden County Prosecutor's Office also reserves the right to raise any other ground for denial not raised in this response. The failure of the Camden County Prosecutor's Office to assert an exception or privilege does not act as a waiver of any ground for denial.

You have a right to appeal the decision that the document or documents are not public records. You may take your appeal to the Public Records Council or to the New Jersey Superior Court as provided by N.J.S.A. 47:1A-6 and -7.

Date: 1/20/2022

/s/ Donna O'Brien

Camden County Prosecutor's Office

ACKNOWLEDGMENT

I hereby acknowledge that I have received the documents requested except for any documents specifically listed above on which a determination has been made that the documents will not be provided. If any documents have not been provided, I have received information on this form as to the procedures for any appeal of the determination.

Date: _____