



STOCKTON UNIVERSITY
Office of The Open Public Records Custodian
101 Vera King Farris Drive
Galloway, New Jersey 08205
Phone: 609-652-4874
OPRArequest@stockton.edu
www.stockton.edu

February 10, 2020

Via Email at opra+request-8986-92ae3866@requests.opramachine.com

Patrick Duff

Re: OPRA Request No. 010920-01

Dear Mr. Duff:

Stockton University's Open Public Records Act (OPRA) Custodian received your OPRA Request on January 9, 2020. The University was closed in observance of Martin Luther King, Jr. Day. As such, the seven (7) business day deadline to respond to your request was January 21, 2020.

The OPRA Custodian sought clarification of your request, and the OPRA Custodian received your clarification on January 16, 2020. As such, the seven (7) business day deadline to respond to your clarified request was January 28, 2020. The University sought an extension of nine (9) business days, until February 10, 2020, to respond to your clarified request.

Your OPRA Request sought access to the following:

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:

Email communications to and from the following employees with the following queries from December 1st 2017 through January 8th 2020.

Employee:

John O'Hare
Paul Schopp
Sharron Musher
Michelle McDonald
Tom Kinsella
Harvey Kesselman
Brian Kowalski
Ellen D. Bailey
Brittany Medio

Queries:

"Patrick Duff"
"Mr Duff"
"753 Walnut"
"MLK House"

"Martin Luther King"
"MLK"
"Maple Shade"
"Camden"

By letters dated January 9, and January 13, 2020, the University acknowledged receipt of your OPRA request, and sought clarification of your request. Specifically, you were notified that "the term 'queries' is unclear in your request. As drafted, the request appears to require research or to seek information (rather than government records)." You provided the following additional clarification:

When I said queries, I meant to search the emails of the employees mentioned for those terms. Does that make sense to you now?

This response is being timely provided. A list of OPRA's exemptions also is attached to this response letter. This response is being transmitted to you via email, as per your request.

The University conducted a search for emails responsive to your request. The University's search returned over 5,000 emails, which require review for responsiveness and any applicable privileges and exemptions, including attorney-client privilege and attorney work product materials. Therefore, the University has determined that your OPRA request is overly broad and substantially disruptive.

OPRA does not allow a blanket request for every document a public agency has on file or a wholesale request for general information. Gannett N.J. Partners, LP v. Cty. of Middlesex, 379 N.J. Super. 205, 212 (App. Div. 2005); MAG Entm't, LLC v. Div. of Alcoholic Beverage Control, 375 N.J. Super. 534, 549 (App. Div. 2005); Bent v. Twp. of Stafford Police Dep't, 381 N.J. Super. 30, 36-37 (App. Div. 2005); Spectraserv, Inc. v. Middlesex Cty. Utils. Auth., 416 N.J. Super. 565, 578 (App. Div. 2010); N.J. Builders Ass'n v. N.J. Council on Affordable Hous., 390 N.J. Super. 166, 178-79 (App. Div. 2007). Requests for correspondence must identify the individuals or accounts to be searched and be confined to a discrete and limited subject matter. Burke v. Brandes, 429 N.J. Super. 169, 176-78 (App. Div. 2012); see also Elcavage v. West Milford Twp. (Passaic), GRC Complaint No. 2009-08 (Apr. 8, 2010) (stating that a proper request for email correspondence 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 emails were transmitted, and (3) a valid e-mail request must identify the sender and/or the recipient thereof").

The terms that you provided are too general and broad to allow the University to locate responsive records. Reviewing the results for responsive records is substantially disruptive to agency operations. Thus, we ask that you narrow the scope of your request.

Please identify the specific records you are seeking including the specific recipients whose records are to be searched, a discrete and limited subject matter, and a specific timeframe.

Please be advised that the University will not take any further action with regard to this request until it is narrowed by you. Please respond in writing within 7 business days, by February 19, 2020, or your request will be denied and closed as overbroad.

If your request for access to a government record has been denied, you have a right to challenge the decision 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; by e-mail at grc@dca.state.nj.us; or, at its web site located at www.state.nj.us/grc. The Council can also answer other questions about OPRA. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Sincerely,

Dawn Livingston

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On behalf of the OPRA Custodian
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