



STOCKTON UNIVERSITY
Office of The Open Public Records Custodian
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Phone: 609-652-4874
OPRArequest@stockton.edu
www.stockton.edu

April 3, 2020

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

PATRICK DUFF

Re: OPRA Request No. 010920-1(A)

Dear Mr. Duff:

Stockton University's Open Public Records Act (OPRA) Custodian received your Amended OPRA Request on February 11, 2020. As such, the seven (7) business day deadline to respond to your Amended OPRA Request (excluding the President's Day holiday) was February 21, 2020. Due to the volume of documents requested and the corresponding review, the University extended the response by fourteen (14) business days, until March 12, 2020.

On March 12, 2020, the OPRA Custodian sought a further extension of nine business days until March 25, 2020, because of the volume of documents under review and the impact of the University's emergent and ongoing operations response to the COVID-19 global pandemic. By letter dated March 25, 2020, the University extended the response date to April 3, 2020, because implementation of remote operations impacted the scope and timing of the University's OPRA responses.

In summary, 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 though 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?

By letter dated February 10, 2020, the University responded to the above clarification and advised you that the University's search returned over 5,000 emails, which required review for responsiveness and any applicable privileges and exemptions, including attorney-client privilege and attorney work product materials. The letter also notified you of the University's determination that your OPRA request was overly broad and substantially disruptive and requested that you narrow the scope of your request.

The OPRA Custodian received your Amended OPRA Request on February 11, 2020, which stated as follows:

Ok, just do:

Patrick Duff

MLK House

753 Walnut

OPRA allows custodians extensions of time pursuant to N.J.S.A. 47:1A-5. i. Specifically, OPRA states that, "the requestor shall be advised by the custodian when the record can be made available. If the record is not made available by that time, access shall be deemed denied. As previously notified, on March 20, 2020, New Jersey Governor Philip Murphy signed into law P.L. 2020, c. 10, which amends OPRA to suspend the 7-day response deadline when "a state of emergency, public health emergency, or state of local disaster emergency" has been declared. N.J.S.A. 47:1A-5(i)(2). New Jersey Executive Order No. 103 declared a state of emergency and public health emergency across all 21 counties in New Jersey, and remains in effect.

Regretfully, the University's response requires a further extension of time. Ongoing emergent issues with University operations and remote access continue to impact the scope and timing of the University's ability to respond to OPRA requests.

Pursuant to the above, your request requires additional response time of fifteen (15) business days until Monday April 27, 2020. Please be advised the University will be closed Friday April 10, 2020, in observance of Good Friday.

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 GRC 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

Dawn Livingston

On behalf of the OPRA Custodian

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