



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

June 19, 2020

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

Patrick Duff

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

Dear Patrick 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.

By letter dated March 12, 2020, the OPRA Custodian extended the response time by nine (9) 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 in response to the COVID-19 global pandemic. New Jersey Executive Order No. 103 declared a state of emergency and public health emergency across all 21 counties in New Jersey which remains in effect. In accordance with New Jersey Executive Order No.103, University employees, including the OPRA staff, began operating remotely on March 18, 2020.

By letters dated March 25, 2020, April 3, 2020, April 27, 2020, May 18, 2020, and June 8, 2020, the University further extended its response time until June 22, 2020, because remote operations continued to impact the scope and timing of the University's ability to respond due to the ongoing State of Emergency implemented in New Jersey related to the COVID-19 global pandemic.

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?

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." Please note that on March 20, 2020, New Jersey Governor Phil 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).

On June 4, 2020, New Jersey Governor Phil Murphy issued Executive Order 151, which extends the Public Health Emergency declared on March 9, 2020 under Executive Order 103, and extended on April 7 under Executive Order 119, and extended on May 6, 2020 under Executive Order 138. All previously entered Executive Orders remain "in full force and effect" under Executive Order 151. University employees, including the OPRA staff, continue to operate remotely in accordance with the Executive Orders.

Regretfully, the scope and timing of the University's OPRA responses continue to be impacted by remote operations. Your request requires an extension of time of an additional four (4) business days until June 26, 2020. We are mindful of and appreciate your patience during this time.

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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