



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

July 6, 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.

OPRA allows custodians extensions of time pursuant to N.J.S.A. 47:1A-5.i, as follows: "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." On March 9, 2020, New Jersey Governor Phil Murphy issued Executive Order 103 which declared a Public Health emergency, and the Declaration was extended on April 7 under Executive Order 119, on May 6, 2020 under Executive Order 138, and on June 4, 2020 under Executive Order 151, which also stated that previously entered Executive Orders remain "in full force and effect". On March 20, 2020, Governor Murphy also signed into law P.L. 2020, c. 10, which amended 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).

University employees, including the OPRA staff, began operating remotely on March 18, 2020 (and continue to do so), in accordance with the above-mentioned Executive Orders and the University's precautionary measures to protect its students, employees, and community during the COVID-19 global pandemic. The implementation of remote operations significantly impacted the scope and timing of the University's ability to respond to OPRA Requests, and required further extensions of our response time, as stated in our correspondence to you dated March 25, 2020, April 3, April 27, May 18, June 8, June 18, June 26, and July 2, extending the University's response time until 6, 2020.

We appreciate your patience and courtesies and offer our sincere apologies for the delay in responding to your OPRA request, which 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

This response is being timely provided. As applicable, the attached index identifies the records produced, redacted and/or denied, in whole or in part, as well as the legal basis for subject action, as required by N.J.S.A. 47:1A-6. 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, at **opra+request-8986-92ae3866@requests.opramachine.com**

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,



Ellen Bailey, Esq.

On behalf of the OPRA Custodian

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