



FREEHOLD REGIONAL HIGH SCHOOL DISTRICT

Sean P. Boyce, CPA
Assistant Superintendent for
Business Administration/
Board Secretary

11 Pine Street
Englishtown, NJ 07726
(732) 792-7300 ext. 8519
Fax: (732) 446-5192

March 23, 2022

EMAIL (opra+request-30125-0048931f@requests.opramachine.com)

Bryan Bender or Brian Bender

Dear Mr. Bender.

This letter is in response to your OPRA Request that was contained within your March 11, 2022, email to me as the Board's Records Custodian. Since your request was received after business hours on Friday, March 11, 2022, your request was deemed received on the Board's next business day, which was Monday, March 14, 2022. Accordingly, the seventh business day by which the Board must respond to your Request is Wednesday, March 23, 2022. This response is being provided to you within that timeframe.

OPRA defines a "government record" of a public entity as "any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed document, information stored or maintained electronically or by sound-recording or in a similar device, or any copy thereof, that has been made, maintained or kept on file in the course of his or its official business ..." N.J.S.A. 47:1A-1.1. Accordingly, the Board is required to produce only those records which it maintains in the official course of business and which are not otherwise exempt from production. Pursuant to the definition of a government record, a public entity is not required by OPRA to research information and/or create records that do not exist in response to OPRA requests. See e.g., Mag Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 537 (App. Div. 2005).

The Board's response to your Request is follows:

1. *I am requesting all emails between Michael Dillon, Director of Operations, Don Markese, Director of IT, and Mr. Michael Mendes, Director of Operations and Bark, Bark LLC, Bark for schools. during the time frame of 9/1/2019 and 9/1/2020.*

Response: The Board objects to and is denying this Request because it is overly burdensome and would be disruptive to District operations.

By way of further explanation, a search of the Board's records revealed that the Request as currently written would encompass approximately 4,500 emails that would have to be located, retrieved, reviewed, and redacted, as appropriate and

necessary. Such an undertaking constitutes an undue burden on District staff and would severely disrupt the day-to-day operations of the District.

If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by the District 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, or by e-mail at grc@dca.state.nj.us, or at their website at www.state.nj.us/grc. The GRC can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Sincerely,

A handwritten signature in blue ink, appearing to read 'SB', followed by a horizontal line.

Sean Boyce, CPA
Assistant Superintendent for Business Administration/Board Secretary
Records Custodian