



MONROE TOWNSHIP SCHOOLS
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August 1, 2024

VIA EMAIL: opra+request-62678-8ba25eea@requests.opramachine.com

Concerned Resident

Re: OPRA Request dated June 11, 2024

Dear Sir/Madam:

I write in furtherance of my correspondence to you, dated June 27, 2024, in response to the request for documents from the Monroe Township Board of Education ("Board" and/or "District"), pursuant to the Open Public Records Act ("OPRA") dated June 11, 2024.

OPRA allows custodians to seek extensions of time within which to respond, pursuant to N.J.S.A. 47:1A-5i. Specifically, OPRA states that, "the requestor shall be advised when the record can be made available. If the record is not made available by that time, access shall be deemed denied." In regards to your request, this office requested such an extension until Wednesday, July 31, 2024. Accordingly, the Board's response to your request is set forth below.

"Emails between Katie Fabiano and Gazala Bohra from May 1, 2024 – May 6, 2024 with keywords 'sick time', 'Dr. Chanley', 'medical', 'surgery', 'work from home', 'approved'".

Please note that your request for copies of emails that contain the terms/words 'sick time', 'Dr. Chanley', 'medical', 'surgery', 'work from home', or 'approved' are overly broad in that the requests fail to include a narrowly construed subject or content and thus do not identify specific requested records. See Elcavage v. West Milford Twp. (Passaic), GRC Complaint No. 2009-07 (April 2010); Doss v. Borough of Paramus (Bergen), GRC Complaint No. 2014-149 (Interim Order dated January 30, 2015); Gannett New Jersey Partners L.P. v. County of Middlesex, 379 N.J. Super. 205, 211-12, 877 A.2d 330 (App. Div. 2005); New Jersey Builders Association v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166, 178 (App. Div.), certify. Denied, 190 N.J. 394 (2007); Bent v. Stafford Police Dep't, 381 N.J. Super. 30, 40 (App. Div. 2005); NJ Builders Assoc. v. NJ Council on Affordable Housing, 390 N.J. Super. 166, 180 (App. Div. 2007); Burke v. Brandes, 429 N.J. Super. 169, 172, 176 (App. Div. 2012). Under OPRA, one cannot submit "wholesale requests for general information to be analyzed, collated and

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compiled by the responding government entity.” MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534, 868 A.2d 1067 (App. Div. 2005). (The Court found a request for “all books, records, [and] documents” related to a specific project to be improper.)

Your request contains generic keywords that can easily appear in a vast quantity of records without any specific meaning. There is no requirement pursuant to OPRA which requires the Board to attempt to locate responsive correspondence containing a single word of generic meaning without any context. See Elcavage v. West Milford Twp. (Passaic), GRC Complaint No. 2009-07 (April 2010); Burke v. Brandes, 429 N.J. Super. 169, 172, 176 (App. Div. 2012). Further, requiring a custodian to locate responsive correspondence based on a single generic keyword is clearly not consistent with the establishment of “subject or content” as one of the criteria for a valid correspondence search. See Sandoval v. NJ State Parole Board, GRC Complaint No. 2006-167 (October 2008), and Schuler v. Borough of Bloomsbury, GRC Complaint No. 2007-151 (February 2009). Most importantly, using generic keywords is analogous to the type of overly broad request that the MAG and NJ Builders Association Courts determined to be invalid.

This request requires the Board to perform research and use judgement as to whether each correspondence is actually responsive to your request in order to respond properly. The OPRA does not require such actions. In addition, as composed, the request contains generic terms which do not constitute a valid subject or content. However, in lieu of denying the portion of your request containing generic keywords for the above referenced reasons, we understand you are seeking documents regarding Dr. Chanley that relate to a medical issue and/or working from home.

Personnel records are not government records and are therefore prohibited from disclosure under OPRA. However, the OPRA does permit the disclosure of limited specific personnel information. More specifically, the OPRA only permits the disclosure of an individual’s name, title, position, salary, payroll record, length of service, date of separation and the reason for such separation, and the amount and type of any pension received. See N.J.S.A. 47:1A-10 and Libertarians for Transparent Government v. Cumberland County, 250 N.J. 46 (2022). As such, the email records you are seeking, to the extent they exist, constitute confidential personnel records exempt from disclosure.

In furtherance of the above, your request is hereby denied as overbroad and a request for confidential personnel records. This correspondence and the foregoing information constitute the Board’s full and complete response to your OPRA request and therefore, your OPRA request is closed.

Sincerely,



Lisa Goldstein
OPRA Secretary