



June 24, 2021

Dear Old Bridge PBA Local 127:

I am in receipt of your Open Public Records Act (OPRA) request on June 24, 2021. Please be advised that your OPRA request sought the following: "any emails to or from Himanshu Shah from 1-1-21 to 6-24-21".

This portion of your request does not identify specific government records. As such, your request is an invalid OPRA request and is denied. A request for a "file" "all" "any and all" etc., is invalid because it represents a blanket request for a class of various, unidentifiable records and constitutes a broad and unclear request. *See Morgano v Essex Cnty. Prosecutors's Office*, GRC Complaint No. 2007-190 (February 2008); *Nunley v N.J. State Parole Bd.*, GRC Complaint No. 2013 -335 (July 2014); *Redden v. Cape May Cnty. Prosecutor's Office*, GRC Complaint No. 2007-206 (September 2009); *Bragg v. N.J. Dep't of Corrections*, GRC Complaint No. 2010-145 (March 2011); *Bradley-Williams v. Atlantic Cnty. Jail*, GRC Complaint No. 2011-232 (December 2012); *Torian v. N.J. State Parole Bd.*, GRC Complaint No. 2013-245 (June 2014).

A blanket request for all documents is not a document request pursuant to OPRA and existing case law. *MAG Entm't , LLC v. Div of ABC*, 375 N.J. Super. 534,546-549 (App. Div. 2005), "under OPRA, agencies are required to disclose only 'identifiable' government records and not otherwise exempt.... In short, OPRA does not countenance open-ended searches of agency's files" *Id.* (emphasis added). *Bent v. Stafford Police Dep't*, 381 N.J. Super. 30,37 (App. Div. 2005), *N.J. Builders Ass'n v. N.J. Council on Affordable Hous.*, 390 N.J. Super. 166, 180 (App. Div. 2007); *Schuler v. Borough of Bloomsbury*, GRC Complaint No. 2007-151 (February 2009).

A proper request under OPRA must identify with reasonable clarity those documents that are desired, and a party cannot satisfy this requirement by simply requesting all of an agency's documents. *See Bent v. Stafford Police Department*, 381 N.J. Super. 30, 37 (App. Div. 2005). Custodians are not required to conduct research or create new records in response to an OPRA request. If a request does not name specifically identifiable records or is overly broad, a custodian may deny access. *See also, MAG Entertainment, LLC v. Division of Alcoholic Beverage Control*, 375 N.J. Super. 534 (App. Div. 2005) and *Schuler v. Borough of Bloomsbury*, GRC Complaint No. 2007-151 (February 2009).

Please advise if you wish to clarify your request by specifically identifying "to" and "from" whom and subject matter and/or other identifying criteria in accordance with the above cited authorities.

If your request for access to a government record has been denied, you have a right to challenge the decision by the Township Clerk, Township of Harding 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 their web site at www.state.nj.us/grc. The Council 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,



Lisa A. Sharp
Municipal Clerk

21 BLUE MILL ROAD, POST OFFICE BOX 666
NEW VERNON, NEW JERSEY 07976
TELEPHONE (973) 267-8000

MARIAN & ALLAN P. KIRBY MUNICIPAL BUILDING