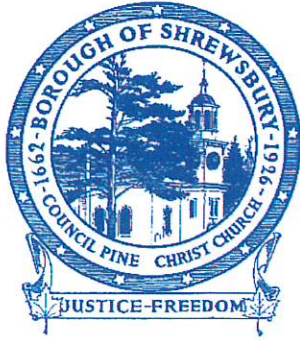




BOROUGH OF SHREWSBURY

419 SYCAMORE AVENUE
SHREWSBURY, NJ 07702
TELEPHONE 732-741-4200
FAX 732-741-6549

October 10, 2023

VIA E-MAIL (_____)
Scott Reed

Re: OPRA Request

Dear Mr. Reed:

The Borough of Shrewsbury ("Borough") records custodian received your Open Public Records Act ("OPRA") request on September 28, 2023. As such, the seven (7) business day deadline to respond to your request is October 10, 2023. This response is therefore being timely submitted in accordance with New Jersey law. See N.J.S.A. 47:1A-5.

Your OPRA requests seeks the following for Former Patrolman Ralph Latham: "All disciplinary files" and "any files, letters, or emails regarding the resignation of his employment."

Initially, please note that your request for "all disciplinary files" and "any files...regarding the resignation of his employment" is denied, as personnel records are exempt under OPRA. N.J.S.A. 47:1A-10 provides that "the personnel or pension records of any individual in the possession of a public agency, including but not limited to records relating to any grievance filed by or against an individual, shall not be considered a government record and shall not be made available for public access, except that:

an individual's name, title, position, salary, payroll record, length of service, date of separation and the reason therefor, and the amount and type of any pension received shall be a government record;

personnel or pension records of any individual shall be accessible when required to be disclosed by another law, when disclosure is essential to the performance of official duties of a person duly authorized by this State or the United States, or when authorized by an individual in interest; and

data contained in information which disclose conformity with specific experiential, educational or medical qualifications required for government employment or for receipt of a public pension, but not including any detailed medical or psychological information, shall be a government record."

To the extent your request is seeking the "date of separation and the reason therefor" as permitted by N.J.S.A. 47:1A-10, the Borough identified the enclosed letter as responsive to your request.

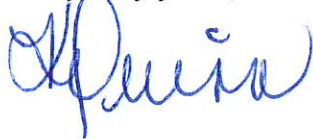
In addition, to the extent your request seeks any written communications ("letters or emails") regarding an individual's resignation, the request is overly broad. New Jersey Courts have consistently held that OPRA does not countenance open-ended searches of an agency's files. MAG Entm't, LLC v. Div. of ABC, 375 N.J. Super. 534, 549 (App. Div. 2005); See New Jersey Builders Ass'n v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166 (App. Div.), cert. denied, 190 N.J. 394 (2007). Consequently, a proper request under OPRA "must identify with reasonable clarity those documents that are desired." See e.g., Spectraserv, Inc. v. Middlesex Cnty. Utilities Auth., 416 N.J. Super. 565, 576 (App. Div. 2010); Bent v. Twp. of Stafford Police Dep't, 381 N.J. Super. 30, 37 (App. Div. 2005). OPRA is not intended to be used as a research tool used to force government officials to manually search, analyze, identify and siphon useful information. MAG Entertainment, LLC v. Div. of Alcoholic Beverage Control, 375 N.J. Super. 534, 546 (App. Div. 2005).

The GRC has upheld an established criteria deemed necessary to specifically identify and facilitate a search for responsive e-mails and other written communications. See Armenti v. Robbinsville Bd. of Educ., GRC Complaint No. 2009-154 (Interim Order May 24, 2011); see also Zahler v. Ocean Cty. College, GRC Complaint No. 2013-266 (Jan. 2016); Elcavage v. West Milford Twp., GRC Complaint No. 2009-07 and 2009-08 (April 2010).

In Elcavage v. West Milford Twp., GRC Complaint No. 2009-07 and 2009-08 (April 2010), the GRC determined that in accordance with legal precedent: "[I]n order to specifically identify an e-mail the OPRA request must contain (1) the content and/or subject of the e-mail, (2) the specific date or range of dates during which the e-mail was transmitted or the e-mails were transmitted, and (3) identification of the sender and/or the recipient thereof." Here, your request fails to identify any specific dates or range of dates and any particular senders or recipients. Thus, to the extent your request is for written communications, it does not satisfy OPRA's specificity requirements, and would require the records custodian to conduct research in order to respond to this item of your request. See Lagerkvist v. Office of Governor of State, 443 N.J. Super. 230, 237 (App. Div. 2015) (holding that OPRA does not convert a custodian into a researcher, which would have been the effect of the request).

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "J. Quinn", is written below the text "Very truly yours,".