

MIDDLETOWN TOWNSHIP PUBLIC SCHOOLS
Office of the Business Administrator/Board Secretary
PO Box 4170, Middletown, NJ 07748
732-671-3850 FAX 732-291-1035
www.middletownk12.org

December 16, 2019

VIA EMAIL

Frank Blanc

RE: Requests for Public Records to the Middletown Township Public Schools

Dear Mr. Blanc:

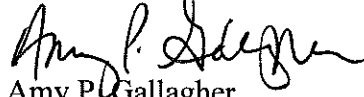
The Middletown Township Public Schools ("Board") is in receipt of your public records request dated December 13, 2019 pursuant to the Open Public Records Act ("OPRA"), N.J.S.A. 47:1A-1, et seq. and common law right of access. Specifically, you requested the "Google Chrome Browsing History" for all Principals and Assistant Principals in separate files which "included the logged time for each site" that was visited.

Please be advised that this request is denied insofar as it seeks information rather than a government record as defined by OPRA. See N.J.S.A. 47:1A-1.1. "OPRA does not require public agencies to create records." Sussex Commons Assocs., Ltd. Liab. Co. v. Rutgers, 210 N.J. 531, 544 (2012) (citing MAG Entm't, LLC v. Div. of Alcoholic Beverage Control, 375 N.J. Super. 534, 546, 549 (App. Div. 2005)). OPRA governs "requests for records, not for information." Burke v. Brandes, 429 N.J. Super. 169, 174 (App. Div. 2012) (quoting Bent v. Twp. Stafford Police Dep't, 381 N.J. Super. 30, 37 (App. Div. 2005)). Fulfilling this request would also require research, which is not a custodian's obligation pursuant to OPRA. See Lagerkvist v. Office of Governor of State, 443 N.J. Super. 230, 237 (App. Div. 2015) ("OPRA does not convert a custodian into a researcher[.]").

With respect to your request for this information pursuant to the common law right of access, you fail to state any interest that you may have in the information sought. The Board maintains that this information is exempt from OPRA pursuant to the above and reserves the right to supplement this response should it be necessary. Accordingly, access to this information is denied under the common law. Loigman v. Kimmelman, 102 N.J. 98, 113 (1986).

If you have any questions, you may contact me at the email address or phone number above. Should you disagree with this decision, you have the right to appeal. OPRA permits a person who believes he or she has been illegally denied access to a public record to file a complaint with the GRC, or file suit in Superior Court to challenge the decision and compel disclosure. For more information, you may contact GRC by phone at 1-866-850-0511, by e-mail at grc@dca.state.nj.us, or visit the GRC web site at www.nj.gov/grc.

Very truly yours,

A handwritten signature in black ink, appearing to read "Amy P. Gallagher", written over the printed name.

Amy P. Gallagher

Business Administrator/Board Secretary

APG:aa