

ELIZABETH PUBLIC SCHOOLS
Every Child, Achieving Excellence

Olga Hugelmeyer
Superintendent of Schools

Harold E. Kennedy, Jr.
School Business Administrator/Board
Secretary

June 22, 2023

Ms. Maria E. Lorenz
103 Murray Street
Elizabeth, New Jersey 07202
opra+request-44552-5e8e623a@requests.opramachine.com

Dear Ms. Lorenz:

I am in receipt of your request for records pursuant to the State's Open Public Records Act ("OPRA").

1. Your request "Invoices for health services for the current school year 2022-23" is denied as the request is overly broad and lacks specificity as to the retrievable record being requested. This request as presently drafted does not identify with reasonable clarity a governmental record. "OPRA request must identify with reasonable clarity those documents that are desired, and a party cannot satisfy this requirement by simply requesting all of any agency's documents." Bent v. Twp. Of Stafford Police Dep't Custodian of Records, 381 N.J. Super. 30,37 (App. Div. 2005). A proper OPRA request must state "a specific subject matter that [is] clearly and reasonably described with sufficient identifying information." Burke v. Brandes, 429 N.J. Super. 169, 176 (App. Div. 2012). The District is "only obligated to disclose identifiable government records." Burke v. Brandes, 429 N.J. Super. 169, 174-75 (App. Div. 2012)(citations omitted). OPRA "only allows for requests for records" and does not permit for "requests for information." Bent v. Twp. Of Stafford Police Dept, 381 N.J. Super. 30, 37 (App. Div. 2005). As set forth in Burke v. Brandes, 429 N.J. Super. 169, 174-75 (App. Div. 2012): "agencies are only obligated to disclose identifiable government records. (citation omitted). MAG Entm't, supra, 375 N.J. Super. at 549. The statute "only allows requests for records, not requests for information." Bent v. Twp. of Stafford Police Dep't, 381 N.J. Super. 30, 37 (App. Div. 2005). OPRA does not require public entities to respond to an open-ended demand for records that would require a search of voluminous records of the District to evaluate and/or sort out to determine what documents should be disclosed. See MAG Entertainment LLC v. ABC, 375 N.J. Super. 534, 543 (App. Div. 2005)("Wholesale requests for general information to be analyzed, collated and compiled" by the agency are outside OPRA's scope"). Researching, compiling and creating such information falls outside the controlling authority of the Open Public Records Act. The law provides that while "the custodian is obligated to search [his] files to find the identifiable government records listed in the Complainant's OPRA request... the Custodian is not required to research [his] files to figure out which records, if any, might be responsive to a broad or unclear OPRA request." Burnett v. City of Gloucester, 415 N.J. Super. 506, 515 (App. Div. 2010), quoting Donato v. Township of Union, GRC 2005-182, interim order (January 31, 2007). OPRA "is not intended as a research tool litigants may use to force government officials to identify and siphon useful information." MAG Entm't, 375 N.J. Super. at 546. Additionally, your request is overbroad and unduly burdensome. N.J. Builders Ass'n v. N.J. Council on Affordable Hous., 390

N.J. Super. 166, 181–82 (App. Div.), certif. denied, 190 N.J. 394 (2007) (finding that custodian of public records may reject a request that is overly broad or vague so as to prevent identification of the records sought); see also Shipyard Associates, L.P. v. City of Hoboken, 2015 WL 10352982, at *4 (N.J. Super. Ct. App. Div. Sept. 1, 2015) (calling for the custodian to research and compile a database of responsive records within a topic, prior to determining what records were exempted or could be redacted, was overbroad). Your request is not limited to particularized identifiable government records. Your request requires the custodian to exercise discretion, survey employees or conduct research. As such, your request is denied as it is overly broad and invalid under OPRA as it fails to properly identify the records being sought.

2. Your request “the detailed account of Undistributed Expenditures – Health Services for current school year” is denied. Within its financial information system the district does not maintain retrievable records under Undistributed Expenditures – Health Services.
3. Your request “Invoices for nursing supplies” is denied as the request is overly broad and lacks specificity as to the retrievable record being requested. This request as presently drafted does not identify with reasonable clarity a governmental record. “OPRA request must identify with reasonable clarity those documents that are desired, and a party cannot satisfy this requirement by simply requesting all of any agency’s documents.” Bent v. Twp. Of Stafford Police Dep’t Custodian of Records, 381 N.J. Super. 30, 37 (App. Div. 2005). A proper OPRA request must state “a specific subject matter that [is] clearly and reasonably described with sufficient identifying information.” Burke v. Brandes, 429 N.J. Super. 169, 176 (App. Div. 2012). The District is “only obligated to disclose identifiable government records.” Burke v. Brandes, 429 N.J. Super. 169, 174-75 (App. Div. 2012) (citations omitted). OPRA “only allows for requests for records” and does not permit for “requests for information.” Bent v. Twp. Of Stafford Police Dept, 381 N.J. Super. 30, 37 (App. Div. 2005). As set forth in Burke v. Brandes, 429 N.J. Super. 169, 174-75 (App. Div. 2012): “agencies are only obligated to disclose identifiable government records. (citation omitted). MAG Entm’t, supra, 375 N.J. Super. at 549. The statute “only allows requests for records, not requests for information.” Bent v. Twp. of Stafford Police Dep’t, 381 N.J. Super. 30, 37 (App. Div. 2005). OPRA does not require public entities to respond to an open-ended demand for records that would require a search of voluminous records of the District to evaluate and/or sort out to determine what documents should be disclosed. See MAG Entertainment LLC v. ABC, 375 N.J. Super. 534, 543 (App. Div. 2005) (“Wholesale requests for general information to be analyzed, collated and compiled” by the agency are outside OPRA’s scope”). Researching, compiling and creating such information falls outside the controlling authority of the Open Public Records Act. The law provides that while “the custodian is obligated to search [his] files to find the identifiable government records listed in the Complainant’s OPRA request... the Custodian is not required to research [his] files to figure out which records, if any, might be responsive to a broad or unclear OPRA request.” Burnett v. City of Gloucester, 415 N.J. Super. 506, 515 (App. Div. 2010), quoting Donato v. Township of Union, GRC 2005-182, interim order (January 31, 2007). OPRA “is not intended as a research tool litigants may use to force government officials to identify and siphon useful information.” MAG Entm’t, 375 N.J. Super. at 546. Additionally, your request is overbroad and unduly burdensome. N.J. Builders Ass’n v. N.J. Council on Affordable Hous., 390 N.J. Super. 166, 181–82 (App. Div.), certif. denied, 190 N.J. 394 (2007) (finding that custodian of public records may reject a request that is overly broad or vague so as to prevent identification of the records sought); see also Shipyard Associates, L.P. v. City of Hoboken, 2015 WL 10352982, at *4 (N.J. Super. Ct. App. Div. Sept. 1, 2015) (calling for the custodian to research and compile a database of responsive records within a topic, prior to determining what records were exempted or could be redacted, was overbroad). Your request is not limited to particularized identifiable government records. Your request requires the custodian to exercise discretion, survey employees or conduct research. As such, your request is denied as it is overly broad and invalid under OPRA as it fails to properly identify the records being sought.

Sincerely,



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School Business Administrator/Board Secretary

Office of the School Business Administrator/Board Secretary

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