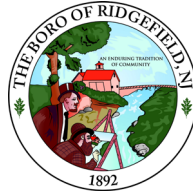


BOROUGH OF RIDGEFIELD

BERGEN COUNTY, NEW JERSEY

700 SHALER BOULEVARD
RIDGEFIELD, NJ 07657



TELEPHONE
201-943-5215

October 3, 2023

VIA E-MAIL [opra+request-51316-3a092399@requests.opramachine.com]

T. Kim

Re: Open Public Records Act/Common Law Request received August 31, 2023

Dear Mr. Kim:

The Borough of Ridgefield ("Borough") records custodian received your Open Public Records Act ("OPRA") and common law request ("Request") on August 31, 2023. On September 12, 2023, the Borough obtained an extension of time to respond to your Request until October 3, 2023. As such, the Borough is timely responding to your Request in accordance with New Jersey law.

Your Request seeks the following:

1. Total number of body cameras currently deployed in the police department.
2. Date on which body cameras were deployed to any of the police officers for the first time (year and month).
3. All invoices of body cameras purchases (if body cameras were purchased).
4. Dates of initial body camera assignment for each police officer currently employed.

Please note that items 1, 2, and 4 of your Request constitute invalid requests for information. Please note that OPRA operates to make identifiable government records "readily accessible for inspection, copying, or examination." N.J.S.A. § 47:1A-1; MAG Entertainment, LLC v. Div. of Alcoholic Beverage Control, 375 N.J. Super. 534, 546 (App. Div. 2005). MAG Entertainment, LLC held, "[w]hile OPRA provides an alternative means of access to government documents not otherwise exempted from its reach, it is not intended as a research tool . . . to force government officials to identify and siphon useful information." Id. at 547. "Under OPRA, agencies are required to disclose only 'identifiable' government records not otherwise exempt. Wholesale requests for general information to be analyzed, collated and compiled by the responding government entity are not encompassed therein." Id. at 549; see also Bent v. Stafford Police Dep't, 381 N.J. Super. 30, 37 (App. Div. 2005) (holding that OPRA only allows requests

for records as contrasted from information, and to qualify under OPRA a request must reasonably identify a record and not generally data, information or statistics). The Appellate Division repeated these principles in holding:

[A]gencies are only obligated to disclose identifiable government records. The statute “only allows requests for records, not requests for information.” A proper request “must identify with reasonable clarity those documents that are desired.” “Wholesale requests for general information to be analyzed, collated and compiled” by the agency are outside OPRA’s scope.

Burke v. Brandes, 429 N.J. Super. 169, 174 (App. Div. 2012) (citations omitted); see also 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).

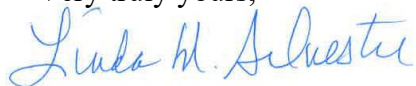
In light of the above, your requests seeking information regarding the total number of currently deployed body cameras and the dates of their deployments and assignments clearly constitute requests for information that are outside of the scope of OPRA. You are purportedly asking the Borough to conduct research to analyze, compile, and collate information for you. Such an analysis clearly exceeds the obligations of a record custodian. Accordingly, the Borough is not legally obligated to respond to your inquiries.

To the extent that you have submitted items 1, 2, and 4 of your Request under the common law right of access, your Request is also denied. In O’Boyle v. Borough of Longport, 218 N.J. 168, 196 (2014), the Supreme Court of New Jersey held that the party requesting documents under the common law right of access must explain why he seeks access to the requested documents. See also Gannett Satellite Information Network, LLC v. Twp. of Neptune, 254 N.J. 242 (2023) (holding that the person seeking access must establish an interest in the subject matter of the material). Here, your Request lacks any explanation with respect to your purported interest in accessing the information at issue. Notwithstanding, even if you had explained your precise interest in accessing the information, your Request would still be deficient for the reasons set forth above.

With respect to item 3 of your Request, the Borough conducted a good-faith search and identified the enclosed record as responsive.

Your Request is now deemed answered and closed. Thank you for your attention to this matter.

Very truly yours,



Linda M. Silvestri
Borough Clerk