



Saddle River School District - Wandell School
97 East Allendale Road, Saddle River, NJ 07458
201.327.0727 www.wandellschool.org Fax: 201.236.8166



April 8, 2024

VIA E-MAIL [opra+request-58831-46b700d2@requests.opramachine.com]

Amanda Salameh

Re: Open Public Records Act/Common Law Request

Dear Ms. Salameh:

The Saddle River School District (“District”) records custodian received your Open Public Records Act (“OPRA”) and common law request (“Request”) on February 27, 2024. On March 7, 2024, the District obtained an extension of time to respond to your Request until April 8, 2024. As such, the District is timely responding to your Request in accordance with New Jersey law.

Your Request seeks the following:

[A]ll of the legal fees paid pertaining to the HIB case involving Jordan Salameh. I would like the total from last year and this year.

Please be advised that your Request constitutes an invalid request 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.



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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 Request seeking information regarding the total amount of legal fees paid for a particular case clearly constitutes a request for information that is outside of the scope of OPRA. You are purportedly asking the District to conduct research to analyze, compile, and collate information for you. Such an analysis clearly exceeds the obligations of a record custodian. Accordingly, the District is not legally obligated to respond to your inquiry.

Notwithstanding the invalidity of your Request, in the interest of transparency the District conducted a good-faith search and identified the enclosed 41 pages of records as potentially responsive. Please note that the entries which have been redacted in their entirety do not pertain to the HIB case involving Jordan Salameh. With respect to the remaining entries, please be advised that the District implemented redactions to remove information protected by attorney-client privilege and/or attorney work-product. OPRA specifically provides that certain records are deemed to be confidential, and thus are not encompassed by the definition of a “government record” under OPRA. This includes any record within the attorney-client privilege. See N.J.S.A. 47:1A-1.1. OPRA further specifies that while attorney bills are not fully exempt from public access, “such bills or invoices may be redacted to remove any information protected by the attorney-client privilege.” N.J.S.A. 47:1A-9.b. provides that the provisions of OPRA shall not abrogate or erode any grant of confidentiality recognized by court rule. Attorney work-product is protected under Rule 4:10-2(c), thus records that are protected from disclosure by the attorney work-product doctrine are also exempt from disclosure pursuant to an OPRA request. Accordingly, these entries have been redacted to remove references to specific topics of legal research, legal strategies, and discussion/correspondence between the District’s legal counsel and the District’s representatives. Therefore, the entries were redacted to ensure that confidential communications in the course of the lawyer-client relationship were not inadvertently revealed.

Please also note that the enclosed invoices contain personal identifying information of students. N.J.S.A. 47:1A-9(b) allows exemptions from disclosure for any grant of confidentiality established or recognized by the Constitution of this State, statute, court rule or judicial case law, to apply to OPRA. The Family Educational Rights and Privacy Act (“FERPA”), 20 U.S.C. 1232(g) and its supplemental regulations codified under 34 C.F.R. 99.30, precludes schools from disclosing student names and personal identifying information without obtaining consent. See also N.J.A.C. 6A:32-7.1 to -7.8. Accordingly, the invoices have also been redacted to remove identifiable student information.



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To the extent that you are seeking access to the redacted portions of the records pursuant to the common law right of access, your Request is 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 requested materials.

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

Sincerely,

Kaitlyn Lawler
Business Administrator/Board Secretary