



New Jersey Schools Insurance Group
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Mount Laurel, New Jersey 08054
www.njsig.org

March 1, 2024

Via electronic mail only @ opra+request-58115-0a13291a@requests.opramachine.com

Concerned Parents

Re: OPRA Request; NJSIG No. 105

Dear Concerned Parents:

The official Records Custodian of the New Jersey Schools Insurance Group (“NJSIG”), Jill Deitch, Esq., received your request under New Jersey’s Open Public Records Act (“OPRA”), N.J.S.A. 47:1A-1 et seq., on February 7, 2024.

On February 7, 2024, you requested the following items:

All files and correspondence for claims from the Monroe Township Board of Education made between January 1, 2022 until February 1, 2024

Emails between NJSIG, Laura Allen, Vito Gagliardi, Chari Chanley, Christine Skurbe, Adam Layman and/or Nancy Tagliaferro between January 1, 2022 and February 1, 2024 with keywords: ethics, insurance, criminal, Tufano, deductible, and/or indemnification

A response to your request was provided to you on the sixth business day, February 15, 2024, explaining that, because of the significant size of the request, as well as the fact that the records require review to determine if any portions thereof do not constitute a “government record” under OPRA, your request required additional time beyond the seven (7) business days to fulfill. OPRA allows custodians to seek extensions of time pursuant to N.J.S.A. 47:1A-5(i). Specifically, OPRA states: “The requestor shall be advised by the custodian when the record can be made available. If

the record is not made available by that time, access shall be deemed denied.” N.J.S.A. 47:1A-5(i)(1). Thus, you were notified that your request required an extension of time to respond until February 23, 2024.

A second response to your request was provided to you on February 23, 2024, explaining that we had searched our records and identified over 500 pages of documents potentially responsive to your records request, and that these documents required review to determine if anything is protected by the attorney-client privilege or otherwise not subject to disclosure under OPRA. Thus, your request required an additional 7-day extension of time to respond until Friday, March 1, 2024. See N.J.S.A. 47:1A-5(i)(1). (“The requestor shall be advised by the custodian when the record can be made available. If the record is not made available by that time, access shall be deemed denied.”). This response is being provided to you timely, on Friday, March 1, 2024.

Preliminarily, your request is invalid under OPRA to the extent it seeks “information which is a communication between a public agency and its insurance carrier, administrative service organization or risk management office.” N.J.S.A. 47:1A-1.1. Under OPRA, “[a] government record shall not include the following information which is deemed to be confidential for the purposes of P.L.1963, c.73 (C.47:1A-1 et seq.) . . . information which is a communication between a public agency and its insurance carrier, administrative service organization or risk management office.” N.J.S.A. 47:1A-1.1.

Second, your request is also invalid under OPRA, in that it is both overly broad and would force NJSIG to “undertake a subjective analysis to understand the nature of the request.” Paff v. Galloway Tp., 229 N.J. 340, 355 (2017). See also MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534, 546 (App. Div. 2005); Bent v. Stafford Police Department, 381 N.J. Super. 30, 37 (App. Div. 2005); New Jersey Builders Association v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166, 180 (App. Div. 2007).

Notwithstanding the foregoing objections and without waiving the same: in light of your request for records with the keyword “ethics” (and excluding all “information which is a communication between a public agency and its insurance carrier, administrative service organization or risk management office,” N.J.S.A. 47:1A-1.1), NJSIG has interpreted your request as requesting “files” “for claims from the Monroe Township Board of Education made between January 1, 2022 until February 1, 2024,” under NJSIG’s School Leaders Errors and Omissions Policy.

NJSIG has searched its files for any such records and they have been bates stamped **NJSIG OPRA 105-0001 through NJSIG OPRA 105-0645**. These records are being provided to you and are fully responsive to your February 7, 2024 OPRA request, with the stipulations outlined above. Please note that some of these records have been redacted to remove those portions that are protected by the attorney-client privilege or otherwise exempt from OPRA as outlined above.

These records are being transmitted to you via e-mail, per your request. There is no cost associated with this response.

If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by the NJSIG to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council (GRC) by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The GRC can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

If you have any questions, feel free to contact me.

Sincerely yours,

s/ Jill Deitch
Jill Deitch, Esq.
Executive Director

/JD