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March 31, 2025

Pascack Valley PBA – Local 206

RE: OPRA Request

Dear Sir/Madam:

As you know, I am the attorney for the Borough of Old Tappan and, accordingly, I am in receipt your OPRA sent to Chief Tracy.

Your request seeks "dates for all night shift rosters (1900-0700 hours) that had 3 officers (or more) assigned over the last 3 years."

Requests for **information** are not valid under New Jersey's Open Public Records Act, N.J.S.A. 47:1A-1 et seq. Rather, OPRA is a statute which requires the municipality to provide requestors, such as yourself, with identifiable documents within the municipality's control. The courts of New Jersey have stated that:

Significantly for present purposes, OPRA only allows requests for records, not requests for information. See MAG Entm't, LLC v. Div. of Alcoholic Beverage Control, 375 N.J.Super. 534, 546-49, 868 A.2d 1067 (App.Div.2005). In this regard, OPRA "is not intended as a research tool ... to force government officials to identify and siphon useful information ." Id. at 546, 868 A.2d 1067. In other words, a records custodian is not required "to conduct research among its records ... and correlate data from various government records in the custodian's possession."

To qualify under OPRA then, the request must reasonably identify a record and not generally data, information or statistics. (Bent v. Township of Stafford 381 N.J. Super 30. 37 (App. Div. 2005).

If you have any questions, please do not hesitate to contact me.

Very truly yours,

GIBLIN & GANNAIO, LLC


Brian T. Giblin

BTG/mg
Via email:

C: Chief Tracy – via email: chief@oldtappanpolice.org.