

Please reply to:

92 West Main Street
Freehold, New Jersey 07728
(848) 207-3500

April 4, 2018

Joe
Opra+request-1330-5a03c1ed@requests.opramachine.com

Re: OPRA request dated March 19, 2018

Dear Sir:

Your OPRA request was forwarded to me as Special County Counsel to handle the response. Your request is dated March 19, 2018, and was received on March 20, 2018. The County's response is due today, April 4, 2018.

You have requested "[a]ny/all records in the file of Officer Robinson's [sic] personnel file." Government agencies are tasked with the responsibility of protecting private information entrusted to their care. North Jersey Media Group Inc. v. Bergen County Prosecutor's Office, 447 N.J. Super. 182, 208 (App. Div. 2016); Michelson v. Wyatt, 379 N.J. Super. 611, 618 (App. Div. 2011). A public employee does not automatically forfeit all rights to privacy due to his employment. "OPRA also specifically addresses personnel and pension records. All information in those records, other than a public employee's name, title, position, salary, payroll record, length of service, date of termination of public employment and the reason for separation, and the amount and type of pension received, is not considered a public record." Michelson, supra, 379 N.J. Super. at 619 (quoting N.J.S.A. 47:1A-10). See also McGee v. Township of East Amwell, 416 N.J. Super. 602, 616 (App. Div. 2010). The release of the information and/or documents you seek would violate the employees' rights of privacy and contradict the statute governing the confidentiality of personnel matters. Moreover, "information which is a communication between a public agency and its insurance carrier, administrative service organization or risk management office" is exempt from OPRA disclosure pursuant to N.J.S.A. 47:1A-1.1.

Accordingly, I am providing you with this information: Scott Robinson is a Captain with the Sheriff's Office; his salary is \$155,264.00 and he has served as a Sheriff's Office since July 8, 2002.

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 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 Council 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, please do not hesitate to contact me.

Very truly yours,



Patricia B. Quelch, Esq.
Special Monmouth County Counsel

c Michael Fitzgerald, Esq.
County Counsel

Cynthia Scott
Sheriff's Office