



TOWNSHIP OF FRANKLIN PUBLIC SCHOOLS

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Troy Walton, Superintendent
Trish Birmingham, SBA/BS

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July 6, 2023

VIA EMAIL

Lorzenzo Donaldson
opra+request-47191-5f1640b5@requests.opramachine.com

RE: June 27, 2023, Open Public Records Act (“OPRA”) Request (the “Request”)

Dear Mr. Donaldson:

This letter is in response to the above-referenced OPRA Request which was sent to the Franklin Township Public Schools Board of Education (“Board”) and deemed received by the Board on June 27, 2023. As such, the seven (7) business day deadline to respond to your OPRA Request is July 7, 2023. This response is being provided to you, timely.

As you may be aware, OPRA defines a “government record” of a public entity as “any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed document, information stored or maintained electronically or by sound-recording or in a similar device, or any copy thereof, that has been made, maintained or kept on file in the course of his or its official business ...” N.J.S.A. 47:1A-1.1. Accordingly, the Board is required to produce only those records which it maintains in the official course of business. Pursuant to the definition of a government record, a public entity is not required by OPRA to research information and/or create records that do not exist in response to OPRA requests. See e.g., Mag Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super 537 (App. Div. March 2005).

Your requests and the Board’s responses to same are as follows:

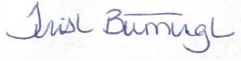
- *Phone Bills from January 2023- Current*

The Board objects to this Request as vague and ambiguous. As noted above, the Board is not required to research information or attempt to create records in response to an OPRA request. To that end, this Request fails to identify any actual records being sought, but rather appears to be a general inquiry for information. Specifically, it is unclear from your request what “phone bills” refers to; it is unclear if you are generally seeking district phone bills or if you are seeking the phone bills of specific Board administrators or faculty. This Request would require the Custodian to conduct research and create a record in order to discover what may be relevant or responsive to your Request.

Subject to and without waiving the foregoing objection, attached hereto are government records believed to be responsive to your request, bates labeled FRA-001-078.

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 District 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, or by e-mail at grc@dca.state.nj.us, or at their website 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.

Sincerely,

A handwritten signature in blue ink that reads "Trish Birmingham". The signature is written in a cursive, flowing style.

Trish Birmingham
School Business Administrator/Board Secretary