

Toms River Regional Schools



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September 22, 2021

VIA EMAIL ONLY

Make Noise

opra+request-25980-465adabf@requests.opramachine.com

Dear Make Noise,

The Toms River Regional Schools received your Open Public Records Act (OPRA) request on September 20, 2021. The official Records Custodian, Sheri Pereira, received your OPRA request on September 20, 2021. As such, the seven (7) business day deadline to respond to your request is September 29, 2021. This response to your request is being provided to you on the 2nd business day after the custodian's receipt of said request.

In response to your OPRA request, in which you requested the following:

Please provide emails sent and received by Boardmember Mr. Nardini to and from any email address between August 18th, 2021 and September 19th, 2021.

The District has conducted a search and as a result has identified approximately 1,045 pages of records which may be responsive to your request.

OPRA allows public agencies to impose special service charges whenever the nature, format, manner of collation, or volume of a government record embodied in the form of printed matter to be inspected, examined, or copied pursuant to this section is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size or when fulfilling a request requires an extraordinary expenditure of time and effort. See N.J.S.A. 47:1A-5.c. Special service charges must be based upon the actual direct cost of providing the copy or copies.

OPRA mandates that the requestor shall have the opportunity to review and object to the charge prior to it being incurred. See N.J.S.A. 47:1A-5.c. As such, a detailed estimate is provided below:

As the requested records may contain student information, personal health information and other exempted and confidential information the lowest level employee capable of fulfilling the request is the official Custodian and my hourly rate is \$30.56 per hour, exclusive of fringe benefits.

Approximate length of time necessary to review records is 17.42 hours. The 17.42 hours is based on an average of one minute per page to review the record (1,045 pages), redact exempted information and to prepare a "Vaughn Index" to

itemize the redactions and/or exclusions and explain the basis for the redaction (1,045 pages @ 1 minute per page = 17.42 hours).

Total Estimated Special Service Charge is $17.42 \times \$30.56 = \532.36

Kindly respond in writing with your acceptance or rejection of the above detailed estimated charge. If the accommodation of a special service charge is acceptable, the requested service charge must be paid to the Toms River Regional School District before the District will begin processing the request. The District will not begin to process this request until the District receives your written acceptance and payment. Alternatively, if you can amend your request and identify a government record(s) with more specificity the District may be able to accommodate your amended request without or at least with a lesser special service charge. Please be advised that failure to respond within ten (10) days of receipt of this correspondence will result in the closure of your OPRA request. Please note that, pursuant to Elcavage v. West Milford Township (Passaic), GRC Complaint No. 2009-08 (April 2010) OPRA requests for emails must contain three characteristics: (a) Content and/or subject; (b) Specific date or range of dates; and (c) Sender and/or recipient.

If you reject the estimated charge and you wish to challenge the special service charge, you have a right to challenge the decision. 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.

Sincerely,

Sheri Pereira
Custodian of School Records
Toms River Regional Schools