

MAYOR

Denice DiCarlo

TOWNSHIP COMMITTEE

Megan Kerr

James Mehaffey

Adam Reid

Jim Robinson

**WEST DEPTFORD TOWNSHIP**

Municipal Building

400 Crown Point Road

West Deptford, New Jersey 08086

Phone (856) 845-4004

Acting Township Administrator

Lee Ann DeHart

Chief Finance Officer

Michael Kwasizur

Registered Municipal Clerk

Lee Ann DeHart

April 21, 2020

Via email only (opra+request-10597-30c9c91e@requests.opramachine.com)

Anonymous

Re: Open Public Records Act Request

Dear Anonymous:

The West Deptford Township Clerk's Office received your request for records pursuant to the Open Public Records Act (OPRA) on April 9, 2020. Accordingly, the seven (7) business day deadline to respond to your request under OPRA is April 21, 2020. This response is being provided on the seventh business day after receipt of your request.

Your OPRA request was as follows:

From: Anonymous <opra+request-10597-30c9c91e@requests.opramachine.com>
Sent: Thursday, April 9, 2020 9:28 AM
To: Lee Ann DeHart <lDeHart@westdeptford.com>
Subject: [External]OPRA request - Police E-mails

Dear West Deptford Township,

This is a request for public records made under OPRA. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested:

Copies of e-mail logs sent by the municipality's police chief from April 27, 2017 to April 29, 2017. Please include recipient and date only. Note that the results of the request cannot plausibly be deemed to need any sort of redaction and should only take several minutes to run, save, and send the report.

The core purpose of this request is to ensure an informed citizenry of the communications and work product of the Chief of Police during this time and to minimize the evils inherent in the secluded process of e-mails sent and received by a municipal employee using municipal resources.

Please see the Paff v. Township of Galloway Supreme Court decision from 2017, which held this is a valid request.

C.47:1A-2.2 does not apply to this request, as the information sought cannot plausibly be deemed to be seeking government records containing personal information pertaining to a victim or a victim's family, including but not limited to a victim's home address, home telephone number, work or school address, work telephone number, social security account number, medical history or any other identifying information.

To be clear, the request is not seeking any personal identifying information of anyone, much less a victim of any crime, it is simply requesting e-mail logs sent by the municipality's police chief from April 27, 2017 to April 29, 2017.

Yours faithfully,

Anonymous

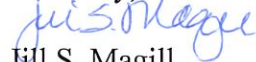
After consultation with the Township Solicitor, your request is denied for the following reasons:

N.J.S.A. 47:1A-2.2 - Anonymous Requests. Notwithstanding the provisions of OPRA or any other law to the contrary, a custodian shall not comply with an anonymous request for a government record which is protected under the provisions of this section.

Request does not implicate core purpose. The request as written does not further the core purposes of OPRA to maximize public knowledge about public affairs in order to ensure an informed citizenry and to minimize the evils inherent in a secluded process. *Burnett v. Cty. of Bergen*, 198 N.J. 408, 435 (2009); *Mason v. City of Hoboken*, 196 N.J. 51, 64 (2008); *Bozzi v. Borough of Roselle Park*, __ N.J. Super. __, 2020 WL 855853 *5 (App. Div. 2020).

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 West Deptford Township Clerk's Office 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.

Sincerely,



Jill S. Magill

Deputy Clerk

jmagill@westdeptford.com

856-845-4004 Extension 174