

October 14, 2020

[opra+request-16879-41a6f873@requests.opramachine.com](mailto:opra+request-16879-41a6f873@requests.opramachine.com)

Dear **Danal Leocap**,

The Toms River Regional School District ("District") received your Open Public Records Act (OPRA) request dated **September 22, 2020**. The official Custodian of Records, received your OPRA request on **September 22, 2020**. As such, the seven (7) business day deadline including the requested additional (7) business days to your request is **October 14, 2020**. This response to your request is being provided to you on the **14th** business day after the custodian's receipt of said request.

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

**All electronic communication for Board of Education member Joseph Nardini between January 1, 2016 and present day September 22, 2020.**

The District has conducted a search and as a result has identified approximately **10,360 email** records which may be responsive to your request which total approximately **32,146** pages. A summary review of the requested records disclosed that the records need to be individually and thoroughly reviewed in order to ensure private and exempted information, including but not limited personnel matters, contract negotiations, and intra-agency consultative and deliberative materials are redacted from the records. Moreover, a review is also necessary to ensure that all students records are removed as they are specifically exempted from disclosure under state and federal law, including the Family Educational Rights and Privacy Act. The review will involve an extraordinary amount of time and effort and substantially disrupt the District's business operations.

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:

Based on the potential review of student records and personnel matters the lowest level employee capable of fulfilling the request is the official Custodian of Records and her hourly rate is \$40.00 per hour, exclusive of fringe benefits.

Approximate length of time necessary to review records is **535.76** hours. The **535.76** hours is based on an average of 60 seconds per page to review the record, redact exempted information and to prepare a "Vaughn Index" to itemize the redactions and/or exclusions and explain the basis for the redaction (**32,146 pages / 60 minutes = 535.75 hours**).

Total Estimated Special Service Charge is **535.75 X \$40.00 = \$21,430.40**

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.

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](mailto:grc@dca.state.nj.us), or at their web site at [www.state.nj.us/grc](http://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,

Helena Gregitis  
Toms River Regional Schools  
Custodian of School Records