



January 29, 2024

VIA E-MAIL [opra+request-57361-e7d91427@requests.opramachine.com]
Brian Hampel

Re: Open Public Records Act/Common Law Request

Dear Mr. Hampel:

The Saddle River School District ("District") records custodian received your Open Public Records Act ("OPRA") and common law request ("Request") on January 18, 2024. The seven business day deadline to respond to your Request is January 29, 2024. As such, the District is timely responding to your Request in accordance with New Jersey law.

Your Request seeks the following records:

I am seeking emails from a member of the community between January 1, 2022, and September 13, 2023 as received by the Superintendent/Principal of the Saddle River, Dr. Gina Cinotti, using the email address of gcinotti@wandellschool.org, where the sender has requested for the Saddle River School District to support middle school options within the district for grades 6 thru 8, in place of the current send/receive agreement that sends grades 6 thru 8 out of district.

To clarify the request:

- a) Records Sought: Emails matching the following criteria as outlined below*
- b) The sender is a member of the community*
- c) The receiver is the Superintendent/Principal of the Saddle River, Dr. Gina Cinotti, using the email address of gcinotti@wandellschool.org*
- d) The Subject: member of the community requesting for Saddle River School District to support middle school options within the district for grades 6 thru 8, in place of the current current send/receive agreement that sends grades 6 thru 8 out of district.*
- e) The date range is January 1, 2022, and September 13, 2023*

Common Law: Under common law, I seek access to the requested documents to ensure transparency and accountability in the spending of public funds by the Saddle River School District, and to verify that the district is complying with applicable laws and regulations regarding the community's interest and advocacy for the establishment of a middle school within the district.



Saddle River School District - Wandell School
97 East Allendale Road, Saddle River, NJ 07458
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(1) To the extent that any such records contain personally identifiable information related to any individual student, please redact that personally identifiable information prior to disclosure.
(2) To the extent that any such records are exempted from disclosure under OPRA, and also unavailable under the common law right of access, please provide a complete Vaughn index of all such records, disclosing “sufficient detail to prove the requestor ‘with as much information as possible to use in presenting his case’ and to enable the ‘decision-maker’s review of governmental records to determine whether they contain privileged material.’”
Paff v. Division of Law, 412 N.J. Super. 140, 161 (App. Div. 2010).

Please be advised that your Request is invalid as overly broad. Both New Jersey courts and the GRC have upheld an established criteria deemed necessary to specifically identify and facilitate a search for responsive e-mails and other written communications. See Armenti v. Robbinsville Bd. of Educ., GRC Complaint No. 2009-154 (Interim Order May 2011); see also Zahler v. Ocean County College, GRC Complaint No. 2013-266 (Jan. 2016).

In Elcavage v. West Milford Township, GRC Complaint No. 2009-07 and 2009-08 (April 2010), the GRC determined that in accordance with legal precedent: “[I]n order to specifically identify an e-mail the OPRA request must contain (1) the content and/or subject of the e-mail, (2) the specific date or range of dates during which the e-mail was transmitted or the e-mails were transmitted, and (3) **identification of the sender and/or the recipient thereof.**” Requests seeking correspondence but omitting specific senders and/or recipients are invalid. See Lewis-Gallagher v. Monroe Twp. Pub. Sch. Dist., GRC Complaint No. 2018-8 (Sept. 2019); see also Shipyard Associates, L.P. v. City of Hoboken, 2015 WL 10352982 (App. Div. 2015) (holding, in part, that a request for correspondence received by the public entity’s employees, agents, or City Council lacked the requisite level of specificity because it failed to provide the names of any of the entity’s employees or agents); see also Burke v. Ocean Cty., 2013 WL 6169154 (App. Div. 2013) (holding that an OPRA request is not the equivalent of lawsuit discovery).

In Coughlin v. Borough of High Bridge, GRC Complaint No. 2011-120 (Sept. 2012), the GRC held that a request identifying e-mails sent to or from the Borough’s golf department failed OPRA’s specificity requirements, explaining:

In order for the Custodian to respond to this request, the Custodian would be required to evaluate all e-mails in their database in order to determine whether the named recipients of such communications were employed in the golf department. Such a request is not feasible. Pursuant to Elcavage and MAG, it is not the Custodian’s duty to discern which e-mails in their database have been received by or sent to a golf department employee. A search for the individual employees’ names and related e-mail addresses would constitute research that is not the statutory duty of a Custodian.



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See also Wolosky v. Township of Randolph, GRC Complaint No. 2010-244 (Feb. 2012) (“The request failed to name a specific identifiable sender and recipient: the request seeks e-mails from and to a specific class of employee (specifically, Morris County Municipal Clerks) and not individually named senders and recipients.”).

In light of the above, your Request seeking communications from “a member of the community” is legally deficient due to the lack of specifically identifiable senders for the communications that you are purportedly seeking. Your Request as written purports to require the District’s records custodian to research the sender of each potentially responsive communication and make a determination as to whether or not the sender is in fact a community member, which is clearly beyond the obligations of a records custodian. Accordingly, the District is denying your Request.

Your Request is now deemed answered and closed. Thank you for your attention to this matter.

Sincerely,

Kaitlyn Lawler
Board Secretary