



Saddle River School District - Wandell School
97 East Allendale Road, Saddle River, NJ 07458
201.327.0727 www.wandellschool.org Fax: 201.236.8166



October 30, 2023

VIA E-MAIL [opra+request-54300-bc752a2a@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 October 19, 2023. The seven business day deadline to respond to your Request is October 30, 2023. As such, the District is timely responding to your Request in accordance with New Jersey law.

Your Request seeks the following records:

For a comprehensive understanding of the community's viewpoint and to foster transparent communication, please not only provide the specific numbers but also furnish the actual requests made by residents, delineated as follows:

a) The precise count of requests received by the Saddle River Board of Education (and a copy of the actual requests) from community members since January 1, 2022, advocating for the establishment of new send/receive agreements with Allendale, HoHoKus, Upper Saddle River, or any other district.

b) The individual number of requests (and a copy of the actual requests made) from community members during the same timeframe supporting the creation of a middle school within our district.

It is important that these numbers are provided separately and not aggregated to fully capture and understand the sentiments and perspectives of our residents.

Please note that your Request constitutes an invalid request for information. Please note that OPRA operates to make identifiable government records “readily accessible for inspection, copying, or examination.” N.J.S.A. § 47:1A-1; MAG Entertainment, LLC v. Div. of Alcoholic Beverage Control, 375 N.J. Super. 534, 546 (App. Div. 2005). MAG Entertainment, LLC held, “[w]hile OPRA provides an alternative means of access to government documents not otherwise exempted from its reach, it is not intended as a research tool . . . to force government officials to identify and siphon useful information.” Id. at 547. “Under OPRA, agencies are required to disclose only ‘identifiable’ government records not otherwise exempt. Wholesale requests for



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general information to be analyzed, collated and compiled by the responding government entity are not encompassed therein.” *Id.* at 549; see also *Bent v. Stafford Police Dep’t*, 381 N.J. Super. 30, 37 (App. Div. 2005) (holding that OPRA only allows requests for records as contrasted from information, and to qualify under OPRA a request must reasonably identify a record and not generally data, information or statistics). The Appellate Division repeated these principles in holding:

[A]gencies are only obligated to disclose identifiable government records. The statute “only allows requests for records, not requests for information.” A proper request “must identify with reasonable clarity those documents that are desired.” “Wholesale requests for general information to be analyzed, collated and compiled” by the agency are outside OPRA’s scope.

Burke v. Brandes, 429 N.J. Super. 169, 174 (App. Div. 2012) (citations omitted); see also *Lagerkvist v. Office of Governor of State*, 443 N.J. Super. 230, 237 (App. Div. 2015) (holding that OPRA does not convert a custodian into a researcher, which would have been the effect of the request).

In light of the above, your Request seeking the number of requests received by the District clearly constitutes a request for information that is outside of the scope of OPRA. You are purportedly asking the District to conduct research to analyze, compile, and collate information for you. Such an analysis clearly exceeds the obligations of a record custodian. Accordingly, the District is not legally obligated to respond to your inquiry.

To the extent that your Request may be construed as seeking records, please be advised that your Request is overly broad, as it fails to identify with reasonable clarity any particular records sought. OPRA operates to make identifiable government records “readily accessible for inspection, copying, or examination.” *N.J.S.A.* 47:1A-1. New Jersey courts have consistently held that OPRA does not countenance open-ended searches of an agency’s files. *MAG Entm’t, LLC v. Div. of ABC*, 375 N.J. Super. 534, 549 (App. Div. 2005); *New Jersey Builders Ass’n v. New Jersey Council on Affordable Housing*, 390 N.J. Super. 166 (App. Div.), *cert. denied*, 190 N.J. 394 (2007). Consequently, a proper request under OPRA “must identify with reasonable clarity those documents that are desired, and a party cannot satisfy this requirement by simply requesting all of an agency’s documents.” *See e.g., Spectraserv, Inc. v. Middlesex Cty. Utilities Auth.*, 416 N.J. Super. 565, 576 (App. Div. 2010); *Bent v. Twp. of Stafford Police Dep’t*, 381 N.J. Super. 30, 37 (App. Div. 2005). OPRA requests may not be a broad generic description of documents that require the custodian to search the agency’s files and “analyze, compile, and collate” the requested information. *Id.*; see also *Lagerkvist v. Office of Governor of State*, 443 N.J. Super. 230, 237 (App. Div. 2015) (holding that OPRA does not convert a custodian into a researcher, which would have been the effect of the request). Here, your Request is clearly deficient as it purportedly seeks requests from community members “advocating for the establishment of new send/receive agreements with Allendale, HoHoKus, Upper Saddle River, or any other district,” or “supporting the creation of a middle school,” and purports to require the



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District's records custodian to conduct research in order to determine which documents may potentially be relevant to your request. See Parreott v. Asbury Park School District, GRC Complaint Nos. 2016-20 & 2016-39 (Sept. 2017) (holding that the portion of the request seeking "all relevant documents" was invalid because it sought a class of various records and would have required the records custodian to conduct research in order to locate responsive records); see also Burke v. Ocean Cty., 2013 WL 6169154 (App. Div. 2013) (holding that an OPRA request is not the equivalent of lawsuit discovery). Accordingly, your Request is invalid as it fails to comport with OPRA's specificity requirements

To the extent that you have submitted your Request under the common law right of access, your Request is also denied. In O'Boyle v. Borough of Longport, 218 N.J. 168, 196 (2014), the Supreme Court of New Jersey held that the party requesting documents under the common law right of access must explain why he seeks access to the requested documents. See also Gannett Satellite Information Network, LLC v. Twp. of Neptune, 254 N.J. 242 (2023) (holding that the person seeking access must establish an interest in the subject matter of the material). Here, your Request lacks any explanation with respect to your purported interest in accessing the information at issue. Notwithstanding, even if you had explained your precise interest in accessing the information, your Request would still be deficient for the reasons set forth above.

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

Sincerely,

Kaitlyn Lawler
Board Secretary