

Middletown Township Board of Education and Daniel Rodrick

BOE'S PRIVILEGE LOG (MIDD0001-0113)

<u>Bates Stamp No.</u>	<u>Redacted (R)/ Withheld (W)</u>	<u>General Description of Document</u>	<u>Nature of Privilege</u>
MIDD10	R	Summary of Concerns in Hands-On Construction (HOC) Class	Redacted student and parent identifying information to not reveal student identity and to protect individual's reasonable expectation of privacy. Student records are exempt from access under OPRA. <u>N.J.A.C.</u> 6A:32-1.1 defines a student record to include "...information related to an individual student gathered within or outside the school district and maintained within the school district, regardless of the physical form in which it is maintained." Such student records may only be accessed by certain authorized persons enumerated in the regulations. <u>N.J.A.C.</u> 6A:32-7.5. These regulations are applicable to OPRA through <u>N.J.S.A.</u> 47:1A-9.a (the provisions of OPRA shall not abrogate any exemption of a public record or government record from public access heretofore made pursuant to...regulation). Under OPRA, a public agency has a responsibility and an obligation to safeguard from public access a citizen's personal information with which it has been entrusted when disclosure thereof would violate the citizen's reasonable expectation of privacy. <u>N.J.S.A.</u> 47:1A-1.
MIDD11-25	W	Personnel Records, including performance and disciplinary related documents regarding employee	Confidential pursuant to personnel record exemption. <u>N.J.S.A.</u> 47:1A-10 provides that "the personnel or pension records of any individual in the possession of a public agency, including but not limited to records relating to any grievance filed by or against an individual, shall not be considered a government record and shall not be made

			available for public access.” These records are exempt from public access under OPRA as personnel records and not subject to any exception therein.
MIDD26-43, 48-51, 56-67	W	Confidential Student/Parent/District Communications; Student Records	Confidential pursuant to student record exemption. Student records are exempt from access under OPRA. <u>N.J.A.C. 6A:32-1.1</u> defines a student record to include “...information related to an individual student gathered within or outside the school district and maintained within the school district, regardless of the physical form in which it is maintained.” Such student records may only be accessed by certain authorized persons enumerated in the regulations. <u>N.J.A.C. 6A:32-7.5</u> . These regulations are applicable to OPRA through <u>N.J.S.A. 47:1A-9.a</u> (the provisions of OPRA shall not abrogate any exemption of a public record or government record from public access heretofore made pursuant to...regulation).
MIDD44-47, 52-55	W	Personnel Records	Confidential pursuant to personnel record exemption. N.J.S.A. 47:1A-10 provides that “the personnel or pension records of any individual in the possession of a public agency, including but not limited to records relating to any grievance filed by or against an individual, shall not be considered a government record and shall not be made available for public access.” These records are exempt from public access under OPRA as personnel records and not subject to any exception therein.
MIDD54-55	W	Attorney-Client Communications	Attorney-client privileged records are not government records under OPRA. <u>N.J.S.A. 47:1A-1.1</u> .