

**POINT PLEASANT BOARD OF
EDUCATION**

**Steven W. Corso, CPA
School Business Administrator/Board Secretary**

**2100 Panther Path
Point Pleasant, NJ 08742
(732) 701-1900, Ext. 2410
Fax: (732) 612-1413**

March 29, 2022

EMAIL (opra+request-30329-ea86c329@requests.opramachine.com)

Ms. Nicole Capoano

Dear Ms. Capoano:

This letter is in response to your OPRA Request that was contained within your March 22, 2022, email to Mrs. Thomas. Since your request was received after the Board's business hours, your request was deemed received on the Board's next business day, which was March 23, 2022. Accordingly, the seventh business day by which the Board must respond to your Request is Friday, April 1, 2022. This response is being provided to you within that timeframe.

OPRA defines a "government record" of a public entity as "any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed document, information stored or maintained electronically or by sound-recording or in a similar device, or any copy thereof, that has been made, maintained or kept on file in the course of his or its official business ..." N.J.S.A. 47:1A-1.1. Accordingly, the Board is required to produce only those records which it maintains in the official course of business and which are not otherwise exempt from production. Pursuant to the definition of a government record, a public entity is not required by OPRA to research information and/or create records that do not exist in response to OPRA requests. See e.g., Mag Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 537 (App. Div. 2005).

The Board's response to your Request is follows:

- I am requesting school employee Covid positive cases reported from the Point Pleasant Borough school district to the Ocean County health department from October 18, 2021 until March 22, 2022; specifically broken down by vaccinated staff members that tested positive for Covid and unvaccinated staff members that tested positive for Covid.*

Response: As an initial matter, an OPRA request is a vehicle for accessing government records rather than for the purposes of submitting questions and/or requests for information. To the extent that your request is seeking a response to a question or a request for information it is denied.

To the extent that your request is for a government record, the District does not have a cumulative district wide report of positive cases amongst staff members, and therefore the Board does not have any governmental records that are responsive to your request.

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 District 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, or by e-mail at grc@dca.state.nj.us, or at their website 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,

A handwritten signature in black ink, appearing to be 'S. Corso', with a long horizontal flourish extending to the right.

Steven W. Corso, CPA, M.A.T
School Business Administrator/Board Secretary
Records Custodian

Cc: Adam L. Angelozzi, Ed.D., Superintendent of Schools