

**BOARD OF EDUCATION
School District of South Orange-Maplewood
525 Academy Street
Maplewood, New Jersey 07040**

**Eric Burnside
Business Administrator/Board Secretary**

**973-762-5600 ext 1800
fax: 973-378-9310**

November 18, 2022

VIA E-MAIL: Paul [opra+request-36361-d83c81b9@requests.opramachine.com]

Re: Open Public Records Act/Common Law Request

Dear Paul:

The School District of South Orange and Maplewood ("District") records custodian received your Open Public Records Act ("OPRA") and common law request ("Request") on November 2, 2022. The seven business day deadline to respond to your Request is November 18, 2022. As such, the District is timely responding to your Request in accordance with New Jersey law.

Your Request seeks all resumes and applications for the position of Safety and Security Director position between 2020 and 2022.

Enclosed please find nine pages of records which the District has identified as responsive to your request. Please be advised that the resumes and applications of unsuccessful candidates are not subject to public access pursuant to Executive Order 26 (McGreevey 2002). Moreover, the application of the successful candidate is generally also not subject to public access as per Executive Order 26 and constitutes an exempt "personnel record" within the meaning of N.J.S.A. § 47:1A-10. Please note that the application of the successful candidate is only accessible to the extent that it "disclose[s] conformity with specific experiential, educational or medical qualifications required for government employment . . ." See N.J.S.A. § 47:1A-10. Accordingly, the District is providing the resume and application of Stanley Valles, the successful candidate, with appropriate redactions. Additionally, redactions have been made to remove Mr. Valles's and Professor Margaret Bass's personal telephone numbers from the responsive records in order to protect their reasonable expectation of privacy pursuant to N.J.S.A. 47:1A-1 (providing that "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 . . ."). See also N.J.S.A. 47:1A-1.1 (exempting that portion of any document which discloses the "unlisted telephone number of any person" from the definition of a "government record"). In light of his prior law enforcement service, we have also redacted Mr. Valles's home address. See N.J.S.A. 47:1A-1.1 (exempting "that portion of any document which discloses the home address, whether a primary or secondary residence, of any active, formerly active, or retired judicial officer, prosecutor, or law enforcement officer" from the definition of a "government record").

To the extent that you are also requesting any of the redacted and/or withheld records 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. Here, your request lacks any explanation with respect to your purported interest in accessing the materials at issue.

Your Request is now deemed answered and closed.

Sincerely,

Eric Burnside

Eric Burnside
Business Administrator/Custodian of Records