

October 13, 2023

Dear Concerned Livingston Residents,

This is in response to OPRA requests sent via email to Livingston Township on October 6, 2023.

Email #1, Subject Line: Internal Review of OPRA Request – Sexualization of Resident Maura Mullaney – OPRA #2, sent Fri, Oct 6, 2023 at 10:07 AM

“Please pass this on to the person who conducts Open Public Records Act reviews. I am writing to request an internal review of Livingston Township's handling of my OPRA request 'Sexualization of Resident Maura Mullaney - OPRA #2'. Thank you for providing this information, however please handle this request as a separate request and please provide all information requested. While we understand from your explanation that you cannot provide certain content of the communications, we don't see in the communication log you provided the initial inbound communication(s) on this matter and to who those communication(s) were subsequently forwarded to. If additional records exist, please provide those as requested or confirm that they don't exist as is illustrated in the record produced by your office. A full history of my OPRA request and all correspondence is available on the Internet at this address: https://opramachine.com/request/sexualization_of_resident_maura_2. This specific request is now long overdue.”

Email #2, Subject Line: Internal review of OPRA request – Sexualization of Resident Maura Mullaney – OPRA #1, sent Fri, Oct 6, 2023 at 10:22 AM

“Please pass this on to the person who conducts Open Public Records Act reviews. I am writing to request an internal review of Livingston Township's handling of my OPRA request 'Sexualization of Resident Maura Mullaney - OPRA #1'. Thank you for providing this information, however please handle this request as a separate request (not to be combined with other requests) and please provide all information requested. While we understand from your explanation that you cannot provide certain content of the communications, we don't see in the communication log you provided the initial inbound communication(s) on this matter and to who those communication(s) were subsequently forwarded to. If additional records exist, please provide those as requested or confirm that they don't exist as is illustrated in the record produced by your office. A full history of my OPRA request and all correspondence is available on the Internet at this address: https://opramachine.com/request/sexualization_of_resident_maura. This request is long overdue.”

Email #1 references your OPRA request received by the Township on September 18, 2023 and assigned an internal tracking number, 23-0621. The request was for: “Please provide in PDF format any communication received by any member of the Town Council or any Town employee that reference “Maura Mullaney” between the dates May 25, 2023 and June 1, 2023”. On September 18, 2023, the Township provided an automatic response noting that it has seven

business days in which to respond. On September 20, 2023, the Township responded that it required an extension and expected to have a response to you on or before October 4, 2023. The response was provided to you on October 2, 2023 inclusive of a Vaughn Index.

Email #2 references your OPRA request received by the Township on September 11, 2023 and assigned an internal tracking number, 23-0596. The request was for: "Please provide in PDF format any communication received by any member of the Town Council or any Town employee that reference "Maura Mullaney" between the dates May 25, 2023 and September 11, 2023". On September 11, 2023, the Township provided an automatic response noting that it has seven business days in which to respond. On September 20, 2023, seven (7) business days later, the Township responded that it required an extension and expected to have a response to you on or before October 4, 2023. In this email, the Clerk's Department noted that it had also received your second OPRA/Common Law request that asked for the same information but in a narrower time frame and that the response to that request would also require an extension. The response was provided to you on October 2, 2023 inclusive of a Vaughn Index.

In response to your October 6th OPRA requests emails #1 and #2 for "the initial inbound communication(s) on this matter and to who those communication(s) were subsequently forwarded to". A column has been added to include the origination of the records and highlights the forwarded emails. Additionally, two more emails with an attachment have been identified, and therefore the Vaughn Index has been revised to include these records. Please note, there is no reference to "Maura Mullaney" in the subject line, or email, or file name of the attachment in these two records. Therefore, it was not identified by our IT Department when it conducted its search, which is why the previous responses provided to your two requests made under OPRA and the common law right of access did not include these records.

In response to your October 6th OPRA requests emails #1 and #2 to "provide all information requested"; please clarify what information is missing. In that regard, "[u]nder OPRA, agencies are required to disclose only "identifiable" governmental records not otherwise exempt. Wholesale requests for general information to be analyzed, collated and compiled by the responding government entity are not encompassed therein. In short, OPRA does not countenance open-ended searches of an agency's files." MAG Entertainment, LLC v. Division of Alcoholic Beverage Control, 375 N.J. Super. 534, 549 (App. Div. 2005); see also, Bent v. Stafford Police Department, 381 N.J. Super. 30, 37 (App. Div. 2005).

Pursuant to the following exemptions listed on the attached Vaughn Index the responsive emails and attachments are exempt pursuant to Executive Order No. 26 which exempts records from disclosure under OPRA that relate to internal Complaints of Discrimination, Harassment or Hostile Environment as well as Ms. Mullaney's reasonable expectation of privacy pursuant to N.J.S.A. 47:1A-1 and also pursuant to N.J.S.A. 47:1A-3(a) ongoing investigations. Pursuant to N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material is exempt from disclosure. Communications between the Township Attorney and Township employees are exempt from disclosure under the Attorney Client Privilege exemption.

If you are seeking other records, please clarify your request to identify the specific records you seek.

Sincerely,

The Township of Livingston Clerk's Department