

October 30, 2019

Via Email (opra+request-7270-11789caa@requests.opramachine.com)

Kevin Bigby

Re: OPRA Request Dated September 11, 2019

Dear Mr. Bigby:

Please be advised that this Firm represents the Carteret Board of Education (“Board”). We are in receipt of your September 11, 2019 Open Public Records Act (“OPRA”) request addressed to the Carteret School District seeking the metadata from Superintendent Rosa Diaz’s e-mail account from September 1, 2018 through December 31, 2018.

Pursuant to the New Jersey Open Public Records Act (“OPRA”), its accompanying regulations, and guidance from the Government Records Council (“GRC”), your request is denied for the following reasons. OPRA provides that government records made, maintained, kept on file, or received by a public agency in the course of its official business are subject to public access unless otherwise exempt. See N.J.S.A. 47:1A-1.1. A custodian of record must release all records responsive to an OPRA request “with certain exceptions.” N.J.S.A. 47:1A-1. OPRA places the burden on a custodian of record to prove that a denial of records is lawful pursuant to N.J.S.A. 47:1A-6.

An OPRA requestor must describe the records sought “with the requisite specificity,” see Burke v. Brandes, 429 N.J. Super. 169, 177 (App. Div. 2012) and may not submit a “broad, generic description of documents,” see Bart v. Passaic County Public Housing Agency, 406 N.J. Super. 445, 451 (App. Div. 2009). Further, case law is clear that “the custodian is not required to research [his or her] files to figure out which records, if any, might be responsive to a broad or unclear OPRA request.” Burnett v. City of Gloucester, 415 N.J. Super. 506, 515 (App. Div. 2010), quoting Donato v. Township of Union, GRC 2005-182, interim order (January 31, 2007) (emphasis added).

Prior OPRA requests for e-mail production similar to the instant request here have been addressed by the GRC. See Elcavage v. West Milford, GRC 2009-07, final decision (April 13, 2010). A request for e-mail production must focus on four (4) characteristics:

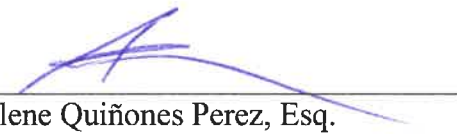
1. Content and/or subject
2. Specific date or range of dates



3. Sender
4. Recipient

Upon review, your request is overbroad and as such is denied. Upon receipt of a narrowly-tailored request, the Board will cooperatively produce any non-privileged records responsive thereto.

Sincerely,
DeCotiis, FitzPatrick, Cole & Giblin, LLP
For the Firm



Arlene Quiñones Perez, Esq.

cc: Rosa Diaz, Superintendent of Schools (*via e-mail*)
Ellen Skiba, Secretary to Business Administrator/Board Secretary (*via e-mail*)