

East Brunswick Public Schools

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September 18, 2024

VIA E-MAIL jopra+request-66510-653ce1de@requests.opramachine.com

Charlie Kratovil

SUBJECT: OPEN PUBLIC RECORDS ACT (OPRA) REQUEST 2025-14

Dear Mr. Kratovil:

We write to reply to your e-mail correspondence with respect to the District's September 13, 2024 response to your September 12, 2024 Open Public Records Act ("OPRA") request. You contest the District's redaction of the signatures contained on Dr. Victor Valeski's employment contract dated November 3, 2022. As reflected in the District's September 13th correspondence, the signatures were redacted as a precautionary measure. The District's response further indicated – **"Should you wish to view the unredacted signature pages, kindly schedule an appointment with my office staff."**

In Burnett v. Cty. of Bergen, 198 N.J. 408 (2009), the New Jersey Supreme Court recognized that OPRA's privacy provision was directly implicated because the records being sought contained signatures (as well as several other items). See also 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). It is well-established that an electronic signature may be utilized for diabolical purposes. Thus, the District appropriately redacted the signatures as "security measures and surveillance techniques which, if disclosed, would create a risk to the safety of persons, property, electronic data or software." See N.J.S.A. 47:1A-1.1.

Lastly, you asserted that the District should consider your common law right of access as a reporter and editor covering school boards in Central Jersey. However, you failed to state your specific interest in accessing the signatures in question. See Gannett Satellite Information Network, LLC v. Twp. of Neptune, 254 N.J. 242 (2023) (holding that the person seeking access must establish an interest in the subject matter of the material). The disclosure of electronic signatures by other school districts is irrelevant to the District's determination that signatures should be redacted to prevent against fraud. Notwithstanding, if upon receipt of this correspondence you are still interested in reviewing the signatures on the contract, as advised in our September 13th response you may schedule an appointment to review the contract in person. We will not provide the signatures contained on the employment contract to you outside of the District's office. We again note that your September 12th OPRA request is closed out.

Yours truly,

Bernardo Giuliana

Bernardo Giuliana, SFO, QPA
Assistant Superintendent for Business
And Support Operations/Board Secretary

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C: Matthew Giacobbe, Esq.
Chron/File-OPRA