

331 Monmouth
Wrightstown, NJ



Road
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www.nhanover.com

[\(609\) 738-2600](tel:(609)738-2600)

Mrs. Helen E. Payne
Superintendent

Mrs. Amy S. Lerner, SFO
School Business Administrator

February 7, 2025

VIA EMAIL: opra+request-71323-b5bb9b5c@requests.opramachine.com

Vinny Biasi

Re: OPRA Request

Dear Mr. Biasi:

On behalf of the North Hanover Township School District ("District") please be advised that the Government Records Custodian for the District received your Open Public Records Act ("OPRA") request on January 29, 2025. As such, the seven (7) business day deadline to respond to your request is February 7, 2025. This response is therefore being timely submitted in accordance with New Jersey law. See N.J.S.A. 47:1A-5.

For ease of reference, the District notes that your OPRA request is seeking:

All text message correspondence to and from school board education members Knighten, Greene, Reading, and Grindlinger during the hours of 630-8pm on Jan 14 2025.

As a threshold matter, requests seeking "all documents" are held to be overly broad and unclear. Bent v. Twp. of Stafford Police Dep't, 381 N.J. Super. 3 (App. Div. 2005) (holding that request for "any and all" records did not amount to a request for an identifiable government record); see also New Jersey Builders Ass'n v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166 (App. Div. 2007). This type of records research is not required. New Jersey Courts have consistently held that OPRA does not countenance open-ended searches of an agency's files. MAG Entm't, LLC v. Div. of ABC, 375 N.J. Super. 534, 549 (App. Div. 2005); See New Jersey Builders Ass'n v. New Jersey Council on Affordable Housing, 390 N.J. Super. 166 (App. Div.), cert. denied, 190 N.J. 394 (2007). Consequently, a proper request under OPRA "must identify with reasonable clarity those documents that are desired." See e.g., Spectraserv, Inc. v. Middlesex Cnty. Utilities Auth., 416 N.J. Super. 565, 576 (App. Div. 2010); Bent v. Twp. of Stafford Police Dep't, 381 N.J. Super. 30, 37 (App. Div. 2005). OPRA is not intended to be used as a research tool used to force government officials to manually search, analyze, identify and siphon useful information. MAG Entertainment, LLC v. Div. of Alcoholic Beverage Control, 375 N.J. Super. 534, 546 (App. Div. 2005).

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Here, many of these requests seeking emails are overly broad. The GRC has upheld an established criteria deemed necessary to specifically identify and facilitate a search for responsive e-mails and other written communications. See Armenti v. Robbinsville Bd. of Educ., GRC Complaint No. 2009-154 (Interim Order May 24, 2011); see also Zahler v. Ocean Cty. College, GRC Complaint No. 2013-266 (Jan. 2016); Elcavage v. West Milford Twp., GRC Complaint No. 2009-07 and 2009-08 (April 2010).

In Elcavage v. West Milford Twp., GRC Complaint No. 2009-07 and 2009-08 (April 2010), the GRC determined that in accordance with legal precedent: "[I]n order to specifically identify an e-mail the OPRA request must contain (1) the content and/or subject of the e-mail, (2) the specific date or range of dates during which the e-mail was transmitted or the e-mails were transmitted, and (3) identification of the sender and/or the recipient thereof."

Here, the request does not identify any specific content or subject matter and is thus overly broad.

A custodian shall not be required to complete a request, including for, but not limited to, mail, email, text messages, correspondence, or social media postings and messages, if the request does not identify a specific job title or accounts to be searched, **a specific subject matter**, and is not confined to a reasonable time period, or if the custodian determines that the request would require research and the collection of information from the contents of government records and the creation of new government records setting forth that research and information. It shall be sufficient for a requestor to identify specific individuals by the individual's job title and position.

Notwithstanding the invalid nature of your request, and without any waiver of any objection to same, please be advised that the board members have all stated that they do not have any correspondence on their personal cellphones during the dates and time requested that would be considered a government record. Please note that personal communications are not government records and are not subject to disclosure under OPRA.

Your OPRA request is now deemed answered and closed. Thank you for your attention to this matter.

Sincerely,

Amy S. Lerner

Amy S. Lerner
School Business Administrator/Board Secretary
Government Records Custodian