

September 7, 2021

Dear Old Bridge PBA Local 127:

I am in receipt of your Open Public Records Act (OPRA) of August 30, 2021. Please be advised that your OPRA request sought the following:

- “All timesheets for Himanshu Shah from 1-1-20 to present. Please note that we are seeking the time Mr. Shah checks in for work and checks out of work.”

Response: Mr. Shah is an exempt employee. Exempt employees do not complete timesheets.

- “What hours is Mr. Shah expected to work while employed by the Township.”

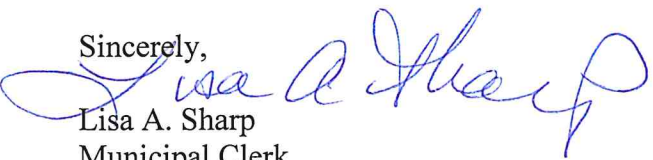
Response: This portion of your request seeks information and does not identify specific government records. As such, this portion of your request is an invalid OPRA request and is denied. When a request is “complex” because it fails to specifically identify the documents sought, then that request is not “encompassed” by OPRA. *See, New Jersey Builders Association v. New Jersey Council on Affordable Housing*, 390 N.J.Super. 166, 180 (App. Div. 2007).

A proper request under OPRA must identify with reasonable clarity those documents that are desired, and a party cannot satisfy this requirement by simply requesting all of an agency's documents. *See, Bent v. Stafford Police Department*, 381 N.J.Super. 30, 37 (App. Div. 2005). Custodians are not required to conduct research or create new records in response to an OPRA request. If a request does not name specifically identifiable records or is overly broad, a custodian may deny access. *See also, MAG Entertainment, LLC v. Division of Alcoholic Beverage Control*, 375 N.J.Super. 534 (App. Div. 2005) and *Schuler v. Borough of Bloomsbury*, GRC Complaint No. 2007-151 (February 2009).

Please advise if you wish to clarify your request by specifically identifying a specific government record in accordance with the above cited authorities.

If your request for access to a government record has been denied, you have a right to challenge the decision by the Township Clerk, Township of Harding to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council (“GRC”) by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The Council can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Sincerely,


Lisa A. Sharp
Municipal Clerk

21 BLUE MILL ROAD, POST OFFICE BOX 666
NEW VERNON, NEW JERSEY 07976
TELEPHONE (973) 267-8000

MARIAN & ALLAN P. KIRBY MUNICIPAL BUILDING