



CITY OF BRIGANTINE

Lynn Sweeney, RMC
City Clerk

January 3, 2025

Brian

c/o opra+request-70040-fd9e3a5c@request.opramachine.com

Re: OPRA Request

Dear Requestor:

The City of Brigantine received your December 29, 2024 Open Public Records Act request on January 2, 2024 when it reopened for business after the holiday break. The City provides this timely response.

Please note for future OPRA requests that on September 3, 2024, Public Law 2024, c.16 became effective. Any new OPRA request, whether submitted on the Township's official form or sent via paper or email will now need to include the following certifications in order to be a valid OPRA request:

Under penalty of law, (N.J.S.A. 2C:28-3), I certify that:

1. I have/have not been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.
2. I, or another person, will/will not use the requested government records for a commercial purpose.
3. I am/am not seeking records in connection with a legal proceeding.

Please ensure that any future OPRA request includes this language to avoid it being denied.

Your request seeks traffic data for the period of calendar years 2000-2024, including:

1. The date and time of each accident
2. The specific location of each accident (e.g., street names, intersections, or GPS coordinates)
3. The type of accident (e.g., vehicle collision, pedestrian-involved, property damage)
4. The severity of the accidents (e.g., injuries, fatalities, property damage)
5. Contributing factors to the accidents (e.g., DUI, speeding, distracted driving)
6. Weather and road conditions at the time of the accidents

The City denies your OPRA request for the following reasons:

Significantly for present purposes, OPRA only allows requests for records, not requests for information. *MAG Entm't, LLC v. Div. of Alcoholic Beverage Control*, 375 N.J. Super. 534, 546-49 (App. Div. 2005). In this regard, OPRA "is not intended as a research tool ... to force government officials to identify and siphon useful information." *Id.* at 546. In other words, a records custodian is not required "to conduct research among its records... and correlate data from various government records in the custodian's possession."

Id. at 546-47. To qualify under OPRA then, the request must reasonably identify a record and not generally data, information or statistics.

OPRA does not "authorize a party to make a blanket request for every document" a public agency has on file. *Gannett New Jersey Partners L.P. v. County of Middlesex*, 379 N.J. Super. 205, 213 (App. Div. 2005). Rather, a party requesting access to a public record under OPRA must specifically describe the document sought. OPRA operates to make identifiable government records "readily accessible for inspection, copying, or examination." N.J.S.A. 47:1A-1. As such, 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. OPRA does not authorize unbridled searches of an agency's property.

Here, your request seeks a broad range of potentially responsive documents. The request will require the custodian to conduct research among the records because the request asks for data, information and statistics. Additionally, the date range provided covers a twenty-five (25) year period which would further cause the custodian to have to conduct extensive research. A discreet date range would be required for the custodian to reasonably identify a record.

Based on the above, your request is denied.

Sincerely,

Ann Adams
Administrative Secretary
City of Brigantine
609-266-7600 ext. 221

4920-9877-6844, v. 1