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March 17, 2021

Gehtsi Nixon

Via OPRA Machine: opra+request-20976-bcf6d54e@requests.opramachine.com

RE: Open Public Records Act (OPRA) Request
Video From Exterior Camera

Dear Sir/Madam:

I am in receipt of your follow up inquiry regarding our response to your OPRA request. This office relies upon the decision of the Supreme Court of New Jersey in Gilleran v. Twp. of Bloomfield, 227 N.J. 159 (2016) in support of its decision to deny your request. As stated by the Court:

In this matter, the scope of the camera's surveillance area (the width, depth, and clarity of the images, as well as when it operates, i.e. intermittently and, if so, at what intervals and are they regular) is the information that the County seeks to protect. That the video may contain depictions of otherwise non-confidential views of an area outside a public building or may capture persons moving in a public area is not a complete way in which to assess the security worth of this requested government record. Such analysis provides a stunted review for addressing the purpose underlying the security exemptions. No doubt the security exceptions recognize the need, in some instances, to deny access to only a portion of a government record in order to avoid placing at risk the safety of a person identifiable on the videotape. But when the public-security concern is that access to the videotape product of the surveillance medium itself reveals security-compromising information, then the exemptions can be relied on to bar, categorically, under OPRA, a security system's otherwise confidential surveillance product.

Gilleran v. Twp. of Bloomfield, 227 N.J. at 175-76.

Therefore, notwithstanding the fact that the security camera in question provides images of a public street, your request is denied. Should you disagree with our decision, please contact us in writing with your concerns so that we may consider them. If I can be of further assistance, please contact me at 732-929-2027, x3135.

Yours very truly,

Dina R. Khajezadeh

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Assistant Prosecutor

DRK/dp