


WALL TOWNSHIP PUBLIC SCHOOLS
OFFICE OF THE BUSINESS ADMINISTRATOR/BOARD SECRETARY
PO Box 1199
Wall, New Jersey 07719-1199

Brian J. Smyth
Business Administrator/Board Secretary

Phone: 732-556-2016
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December 16, 2016

Betsy Cross


Re: OPRA Request – All Correspondence with Xerox and the Wall BOE January 2005-December 2012

Dear Ms. Cross:

The Wall Township Board of Education has received your Open Public Records Act (OPRA) request on December 9, 2016 wherein you sought:

“(1) May I please have a copy of any and all correspondence with attachments “from” Xerox “to” James Habel, Jack Hahn, Arlene Bieseda and Brian Smyth from January 2005 – April 2012, regarding Xerox services...Certainly if any documents were e-mailed or faxed from Xerox to the Wall BOE please provide all documents.

(2) May I please have a copy of any and all correspondence with attachments “from” James Habel, Jack Hahn, Arlene Bieseda and Brian Smyth “to” Xerox from January 2005 – April 2012... if any documents were e-mailed or faxed to Xerox please provide all documents. Certainly if any documents were e-mailed from Habel, Hahn, Biesede and/Smyth to Xerox please provide all documents.”

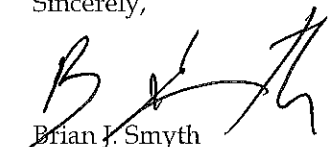
Though you have not specifically identified a governmental record, you have made an attempt to narrow your search by providing certain identifying descriptions, by way of correspondence from Xerox to the individuals identified and/or from the individuals identified to Xerox for the time period of January 2005 – April 2012. Please be advised that, to the extent that your request seeks “any and all correspondence with attachments” and, in addition, specifically references e-mails and/or faxes, additional time will be necessary within which to comply with your request. Though I have the ability to respond, by way of searching e-mails in the District referencing the “to” and “from” notations provided, reviewing “any and all correspondence” and/or “documents” will require additional time and resources.

Upon reviewing the special service charge referenced within OPRA at N.J.S.A. 47:1A-5(c), please be advised that whenever the response to an OPRA request involves an extraordinary expenditure of time and effort to accommodate the request, the public agency has the ability to charge, in addition to the actual cost of duplicating the record, a special service charge that shall be reasonable and based upon the actual direct cost of providing the copied records. Please be advised that in this instance an individual and/or individuals will be required to review any and all correspondence and documents going back more than 10 years in order to ensure that your request is properly responded to. I anticipate that the number of hours that this will require will be twenty hours at the general clerk’s per diem rate of \$27.39/hr., which will result in an additional charge, above and beyond duplicating the record, of \$547.80. Please know that we do not consider monthly invoices as documents responsive to your request. If invoices and accompanying correspondence are to be provided, this would require additional time and therefore an increase of the special service charge.

Though as I have indicated earlier I have the ability to search such records and electronically send e-mail information responsive to your request, I am not sure that such a search will be able to retrieve records as far back as 2005. In the alternative, if you wish to revise your request, limiting the same information sought to e-mails to be provided to you in an electronic format that will expedite and significantly reduce the cost. Please advise as to the manner in which you wish me to proceed.

In the event that you believe that this response has resulted in the denial and/or leaves your OPRA request unfulfilled, within seven (7) business days required by law, you have a right to challenge the decision made by the Wall Township Board of Education in this instance. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Counsel (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 PO Box 819, Trenton, NJ 08625, by email at GRC@dca.state.nj.us, or at their website at www.state.nj.us/grc. The GRC can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the County Clerk in your county.

Sincerely,



Brian J. Smyth
Business Administrator

BJS/dc

Cc: Cheryl Dyer, Superintendent