

Requesting Access to Government Records Under the New Jersey Open Public Records Act (N.J.S.A. 47:1A-1 et seq.)**Addendum**

On 8/12/05, the Office of the Records Custodian called and left a message for the requester to call the ORC at (609) 341-3121.

The Department does not have an executed Memorandum of Agreement . The Department is denying the request for documents related to number one of this request. This request is denied because the documents are confidential pursuant to Executive Order No. 21.

Executive Order No. 21, which was signed by Governor McGreevey on July 8, 2002, provides that records are confidential if it has been determined that the "inspection, examination or copying of that record would substantially interfere with the State's ability to protect and defend the State and its citizens against acts of sabotage or terrorism, or consequences of potential acts of sabotage or terrorism.

Therefore, this request is denied because providing this information as requested would violate the provisions of Executive Order #21 by substantially interfering with the State's ability to protect and defend the State and its citizens against acts of sabotage or terrorism and because disclosure would materially increase the risk or consequences of potential acts of sabotage or terrorism.

The New Jersey Domestic Preparedness Act, N.J.S.A. App. A:9-64 et seq. among other things, established the Domestic Security Preparedness Planning Group and Task Force, which provides statewide coordination and supervision of all activities related to domestic preparedness for terrorist attack. N.J.S.A. App A-67. The Task Force formulates proposals for operational plans relative to domestic security to meet and address the need to prevent terrorist attack, to mitigate their impact, and to prepare and plan for the various responses required in an even of a terrorist attack. N.J.S.A. App. A:9-68.

The New Jersey Department of Environmental Protection, in consultation with a work group of the Task Force, has determined that providing access to the documents requested in this Open Public Records Act request, would violate the terms of Executive Order No. 21 set forth above.

In regard to the remainder of the request, access is hereby denied for the reason that the request for those documents is not a valid OPRA request pursuant to N.J.S.A. 47:1A-et seq. Under OPRA, agencies are required to disclose only "identifiable" government records not otherwise exempt. This OPRA request does not identify records with specificity and requires the performance of substantial research and analysis. See *Gannet New Jersey Partners, LP v. Middlesex N.J. Super.* (App. Div. 2005) and *MAG Entertainment, LLC v. Division of Alcoholic Beverage* (375 N.J. Super. 534, 868 A.2d 106).

Even if this request was to be processed, there would be a substantial amount of extraordinary time and expense and would be very expensive to the requestor. Pursuant to N.J.S.A. 47:1A-5c, an agency is authorized to impose a special service charge where the agency must make an extraordinary expenditure of time and effort to accommodate a request to inspect government records.