



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO Box 819
TRENTON, NJ 08625-0819

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

FINAL DECISION

July 30, 2019 Government Records Council Meeting

Dudley Burdge
Complainant

Complaint No. 2014-338

v.

NJ Office of Information Technology
Custodian of Record

At the July 30, 2019 public meeting, the Government Records Council (“Council”) considered the July 23, 2019 Supplemental Findings and Recommendations of the Executive Director and all related documentation submitted by the parties. The Council voted unanimously to adopt the entirety of said findings and recommendations. The Council, therefore, finds that:

1. The Custodian complied with the Council’s May 21, 2019 Interim Order because the Custodian complied with the Council’s Findings of the *In Camera* Examination set forth in said Order. However, the Custodian did not fully comply with the terms of the Council’s Interim Order because the Custodian failed to provide certified confirmation of compliance, or request an extension of time in order to do so, prior to the initial deadline set forth in the Order.
2. The Custodian (1) denied the Complainant access to records, or portions thereof, that the Council subsequently determined via an *in camera* examination should have been disclosed; (2) failed to fully comply with the terms of the Council’s January 31, 2017 Interim Order by not delivering to the Council all nine copies of the redacted records; and (3) failed to fully comply with the terms of the Council’s May 21, 2019 Interim Order by not providing certified confirmation of compliance in a timely manner. However, the Custodian subsequently cured her lack of full compliance with the terms of the January 31, 2017 Interim Order, and did disclose to the Complainant all records, or portions thereof, in compliance with the Council’s May 21, 2019 Interim Order. Moreover, the GRC notes that the Custodian’s failure to timely comply with the May 21, 2019 Interim Order was, in part, attributed to her sudden loss of assigned legal counsel. Additionally, the evidence of record does not indicate that the Custodian’s actions had a positive element of conscious wrongdoing or were intentional and deliberate. Therefore, the Custodian’s actions did not rise to the level of a knowing and willful violation of OPRA and unreasonable denial of access under the totality of the circumstances.

This is the final administrative determination in this matter. Any further review should be pursued in the Appellate Division of the Superior Court of New Jersey within forty-five (45) days. Information about the appeals process can be obtained from the Appellate Division Clerk's Office, Hughes Justice Complex, 25 W. Market St., PO Box 006, Trenton, NJ 08625-0006. Proper service of submissions pursuant to any appeal is to be made to the Council in care of the Executive Director at the State of New Jersey Government Records Council, 101 South Broad Street, PO Box 819, Trenton, NJ 08625-0819.

Final Decision Rendered by the
Government Records Council
On The 30th Day of July 2019

Robin Berg Tabakin, Esq., Chair
Government Records Council

I attest the foregoing is a true and accurate record of the Government Records Council.

Steven Ritardi, Esq., Secretary
Government Records Council

Decision Distribution Date: August 2, 2019

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Supplemental Findings and Recommendations of the Council Staff
July 30, 2019 Council Meeting**

**Dudley Burdge¹
Complainant**

GRC Complaint No. 2014-338

v.

**New Jersey Office of Information Technology²
Custodial Agency**

Records Relevant to Complaint:³ Electronic copies of “[a]ll e-mails whose sender or recipient is Anthony Gatto or Sharon Pagano whose subject or content is the Interagency (or Interdepartmental) Title Consolidation Committee for the period between . . .”

Request No. 1 (C88339): “May 1, 2014 and July 11, 2014”
Request No. 2 (C88342): “January 1, 2014 and April 30, 2014”
Request No. 3 (C88343): “September 1, 2013 and December 31, 2013”
Request No. 4 (C88344): “May 1, 2013 and August 31, 2013”
Request No. 5 (C88345): “January 1, 2013 and April 30, 2013”
Request No. 6 (C88346): “September 1, 2012 and December 31, 2012”
Request No. 7 (C88347): “May 1, 2012 and August 31, 2012”
Request No. 8 (C88348): “January 1, 2012 and April 30, 2012”

Custodian of Record: Lisa Blauer⁴
Requests Received by Custodian: July 11, 2014
Response Made by Custodian: September 3, 2014
GRC Complaint Received: October 6, 2014

Background

May 21, 2019 Council Meeting:

At its May 21, 2019 public meeting, the Government Records Council (“Council”) considered the May 16, 2019 Findings and Recommendations of the Council Staff and all related documentation submitted by the parties. The Council voted unanimously to adopt the entirety of said findings and recommendations. The Council, therefore, found that:

¹ No legal representation listed on record.

² Represented by Deputy Attorney General Rebecca Pluckhorn.

³ Eight (8) separate OPRA requests were filed on the same date. The records requested were the same for each request; only the date parameters were different.

⁴ Shelley Bates was the original Custodian.

1. The Custodian failed to fully comply with the terms of the Council's January 31, 2017 Interim Order because the Custodian did not "... deliver to the Council in a sealed envelope nine (9) copies of the ... redacted records ..."
2. **On the basis of the Council's determination in this matter, the Custodian shall comply with the Council's Findings of the *In Camera* Examination set forth in the above table within five (5) business days from receipt of this Order and simultaneously provide certified confirmation of compliance pursuant to N.J. Court Rules, 1969 R. 1:4-4 (2005) to the Council Staff.⁵**
3. The Council defers analysis of whether the Custodian knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances pending the Custodian's compliance with the Council's Interim Order.

Procedural History:

On May 22, 2019, the Council distributed its May 21, 2019 Interim Order to all parties. On June 4, 2019, the Custodian notified the GRC that she lost her assigned legal counsel and requested an extension of time until June 12, 2019 to comply with the terms of the Interim Order, which extension the GRC granted on June 5, 2019. On June 11, 2019, the Custodian's newly assigned legal counsel, DAG Rebecca Pluckhorn, entered her appearance. On June 12, 2019, the Custodian e-mailed the GRC to request another extension of time, which was granted by the GRC until June 19, 2019. On June 19, 2019, the Custodian responded to the Council's Interim Order by providing certified confirmation of compliance to the Council Staff.

Analysis

Compliance

On May 21, 2019, the Council ordered the above-referenced compliance. On May 22, 2019, the Council distributed its Interim Order to all parties, providing the Custodian five (5) business days to comply with the terms of said Order. Therefore, compliance was due on or before May 30, 2019. On June 4, 2019, the eighth (8th) business day following receipt of the Council's Interim Order, the Custodian contacted the GRC. The Custodian stated that she recently learned that her assigned legal counsel, DAG Thomas Hower, was no longer employed by the State. For this reason, she requested an extension of time until June 12, 2019 to comply with the terms of the Interim Order. On June 5, 2019, the GRC granted the Custodian's request for an extension of time until June 12, 2019 to comply with the Order.

On June 5, 2019, the Custodian e-mailed the GRC to report that DAG Rebecca Pluckhorn was now assigned to represent the Custodian. On June 11, 2019, the Custodian's Counsel e-mailed the GRC to enter her appearance and confirm that compliance was due on June 12, 2019. On June

⁵ Satisfactory compliance requires that the Custodian deliver the record(s) to the Complainant in the requested medium. If a copying or special service charge was incurred by the Complainant, the Custodian must certify that the record has been *made available* to the Complainant but the Custodian may withhold delivery of the record until the financial obligation is satisfied. Any such charge must adhere to the provisions of N.J.S.A. 47:1A-5.

12, 2019, by reply e-mail, the GRC confirmed the extended due date for compliance with the Interim Order.

On June 12, 2019, the Custodian e-mailed the GRC to request another extension of time, which was granted by the GRC. The GRC informed the Custodian that the new due date for compliance with the Order would be June 19, 2019. On June 12, 2019, the Custodian's Counsel e-mailed the GRC to request a copy of the Denial of Access Complaint together with a copy of the redacted records; the GRC provided the requested copies on the same date.

By e-mail dated June 19, 2019, the Custodian informed the Council Staff that she was e-mailing and sending via regular mail to the Complainant the records ordered for disclosure by the Council. The Custodian also attached certified confirmation of compliance to the e-mail, wherein she averred that, "[p]ursuant to the Interim Order, I provided a true and correct copy of documents identified in the Council's 'Findings of the *In Camera* Examination' and redacted accordingly."⁶

Accordingly, the Custodian complied with the Council's May 21, 2019 Interim Order because the Custodian complied with the Council's Findings of the *In Camera* Examination set forth in said Order. However, the Custodian did not fully comply with the terms of the Council's Interim Order because the Custodian failed to provide certified confirmation of compliance, or request an extension of time in order to do so, prior to the initial deadline set forth in the Order.

Knowing & Willful

OPRA states that "[a] public official, officer, employee or custodian who knowingly or willfully violates [OPRA], and is found to have unreasonably denied access under the totality of the circumstances, shall be subject to a civil penalty ..." N.J.S.A. 47:1A-11(a). OPRA allows the Council to determine a knowing and willful violation of the law and unreasonable denial of access under the totality of the circumstances. Specifically, OPRA states "[i]f the council determines, by a majority vote of its members, that a custodian has knowingly and willfully violated [OPRA], and is found to have unreasonably denied access under the totality of the circumstances, the council may impose the penalties provided for in [OPRA] . . ." N.J.S.A. 47:1A-7(e).

Certain legal standards must be considered when making the determination of whether the Custodian's actions rise to the level of a "knowing and willful" violation of OPRA. The following statements must be true for a determination that the Custodian "knowingly and willfully" violated OPRA: the Custodian's actions must have been much more than negligent conduct (Alston v. City of Camden, 168 N.J. 170, 185 (2001)); the Custodian must have had some knowledge that his actions were wrongful (Fielder v. Stonack, 141 N.J. 101, 124 (1995)); the Custodian's actions must have had a positive element of conscious wrongdoing (Berg v. Reaction Motors Div., 37 N.J. 396, 414 (1962)); the Custodian's actions must have been forbidden with actual, not imputed, knowledge that the actions were forbidden (Berg); the Custodian's actions must have been intentional and deliberate, with knowledge of their wrongfulness, and not merely negligent, heedless or unintentional (ECES v. Salmon, 295 N.J. Super. 86, 107 (App. Div. 1996)).

⁶ Paragraph 4 of the Custodian's certification has no relevance to the instant complaint.

The Council reviewed the subject records *in camera* and determined that the Custodian (1) denied the Complainant access to records, or portions thereof, that the Council subsequently determined should have been disclosed; (2) failed to fully comply with the terms of the Council's January 31, 2017 Interim Order by not delivering to the Council all nine copies of the redacted records; and (3) failed to fully comply with the terms of the Council's May 21, 2019 Interim Order by not providing certified confirmation of compliance in a timely manner. However, the Custodian subsequently cured her lack of full compliance with the terms of the January 31, 2017 Interim Order, and did disclose to the Complainant all records, or portions thereof, in compliance with the Council's May 21, 2019 Interim Order. Moreover, the GRC notes that the Custodian's failure to timely comply with the May 21, 2019 Interim Order was, in part, attributed to her sudden loss of assigned legal counsel. Additionally, the evidence of record does not indicate that the Custodian's actions had a positive element of conscious wrongdoing or were intentional and deliberate. Therefore, the Custodian's actions did not rise to the level of a knowing and willful violation of OPRA and unreasonable denial of access under the totality of the circumstances.

Conclusions and Recommendations

The Council Staff respectfully recommends the Council find that:

1. The Custodian complied with the Council's May 21, 2019 Interim Order because the Custodian complied with the Council's Findings of the *In Camera* Examination set forth in said Order. However, the Custodian did not fully comply with the terms of the Council's Interim Order because the Custodian failed to provide certified confirmation of compliance, or request an extension of time in order to do so, prior to the initial deadline set forth in the Order.

2. The Custodian (1) denied the Complainant access to records, or portions thereof, that the Council subsequently determined via an *in camera* examination should have been disclosed; (2) failed to fully comply with the terms of the Council's January 31, 2017 Interim Order by not delivering to the Council all nine copies of the redacted records; and (3) failed to fully comply with the terms of the Council's May 21, 2019 Interim Order by not providing certified confirmation of compliance in a timely manner. However, the Custodian subsequently cured her lack of full compliance with the terms of the January 31, 2017 Interim Order, and did disclose to the Complainant all records, or portions thereof, in compliance with the Council's May 21, 2019 Interim Order. Moreover, the GRC notes that the Custodian's failure to timely comply with the May 21, 2019 Interim Order was, in part, attributed to her sudden loss of assigned legal counsel. Additionally, the evidence of record does not indicate that the Custodian's actions had a positive element of conscious wrongdoing or were intentional and deliberate. Therefore, the Custodian's actions did not rise to the level of a knowing and willful violation of OPRA and unreasonable denial of access under the totality of the circumstances.

Prepared By: John E. Stewart

July 23, 2019



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO Box 819
TRENTON, NJ 08625-0819

PHILIP D. MURPHY
Governor

LT. GOVERNOR SHEILA Y. OLIVER
Commissioner

INTERIM ORDER

May 21, 2019 Government Records Council Meeting

Dudley Burdge
Complainant

Complaint No. 2014-338

v.

NJ Office of Information Technology
Custodian of Record

At the May 21, 2019 public meeting, the Government Records Council (“Council”) considered the May 16, 2019 Findings and Recommendations of the Council Staff and all related documentation submitted by the parties. The Council voted unanimously to adopt the entirety of said findings and recommendations. The Council, therefore, finds that:

1. The Custodian failed to fully comply with the terms of the Council’s January 31, 2017 Interim Order because the Custodian did not “ ... deliver to the Council in a sealed envelope nine (9) copies of the ... redacted records ...”
2. **On the basis of the Council’s determination in this matter, the Custodian shall comply with the Council’s Findings of the *In Camera* Examination set forth in the above table within five (5) business days from receipt of this Order and simultaneously provide certified confirmation of compliance pursuant to N.J. Court Rules, 1969 R. 1:4-4 (2005) to the Council Staff.¹**
3. The Council defers analysis of whether the Custodian knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances pending the Custodian’s compliance with the Council’s Interim Order.

¹ Satisfactory compliance requires that the Custodian deliver the record(s) to the Complainant in the requested medium. If a copying or special service charge was incurred by the Complainant, the Custodian must certify that the record has been *made available* to the Complainant but the Custodian may withhold delivery of the record until the financial obligation is satisfied. Any such charge must adhere to the provisions of N.J.S.A. 47:1A-5.

Interim Order Rendered by the
Government Records Council
On The 21st Day of May 2019

Robin Berg Tabakin, Esq., Chair
Government Records Council

I attest the foregoing is a true and accurate record of the Government Records Council.

Steven Ritardi, Esq., Secretary
Government Records Council

Decision Distribution Date: May 22, 2019

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

***In Camera* Findings and Recommendations of the Council Staff
May 21, 2019 Council Meeting**

**Dudley Burdge¹
Complainant**

GRC Complaint No. 2014-338

v.

**New Jersey Office of Information Technology²
Custodial Agency**

Records Relevant to Complaint:³ Electronic copies of “[a]ll e-mails whose sender or recipient is Anthony Gatto or Sharon Pagano whose subject or content is the Interagency (or Interdepartmental) Title Consolidation Committee for the period between . . .”

Request No. 1 (C88339): “May 1, 2014 and July 11, 2014”
Request No. 2 (C88342): “January 1, 2014 and April 30, 2014”
Request No. 3 (C88343): “September 1, 2013 and December 31, 2013”
Request No. 4 (C88344): “May 1, 2013 and August 31, 2013”
Request No. 5 (C88345): “January 1, 2013 and April 30, 2013”
Request No. 6 (C88346): “September 1, 2012 and December 31, 2012”
Request No. 7 (C88347): “May 1, 2012 and August 31, 2012”
Request No. 8 (C88348): “January 1, 2012 and April 30, 2012”

Custodian of Record: Lisa Blauer⁴
Requests Received by Custodian: July 11, 2014
Response Made by Custodian: September 3, 2014
GRC Complaint Received: October 6, 2014

Records Submitted for *In Camera* Examination: Copies of unredacted records listed in Column A of Custodian’s Exhibit A.

Background

January 31, 2017 Council Meeting:

At its January 31, 2017 public meeting, the Government Records Council (“Council”) considered the January 24, 2017 Findings and Recommendations of the Executive Director and

¹ No legal representation listed on record.

² Represented by Deputy Attorney General Thomas R. Hower.

³ Eight (8) separate OPRA requests were filed on the same date. The records requested were the same for each request; only the date parameters were different.

⁴ Shelley Bates was the original Custodian.

all related documentation submitted by the parties. The Council voted unanimously to adopt the entirety of said findings and recommendations. The Council, therefore, found that:

1. The GRC must conduct an *in camera* review of the responsive e-mail records to determine the validity of the Custodian's assertion that the redactions were made to exclude ACD material from disclosure and to prevent disclosure of material that constitutes personnel records. See Paff v. NJ Dep't of Labor, Bd. of Review, 379 N.J. Super. 346 (App. Div. 2005); N.J.S.A. 47:1A-1.1 and N.J.S.A. 47:1A-10.
2. **The Custodian must deliver to the Council in a sealed envelope nine (9) copies of the requested unredacted records listed in Column A of Exhibit A, nine (9) copies of the redacted records, a document or redaction index, as well as a legal certification from the Custodian, in accordance with N.J. Court Rule 1:4-4, that the records provided are the records requested by the Council for the *in camera* inspection. Such delivery must be received by the GRC within five (5) business days from receipt of the Council's Interim Order.**
3. The Council defers analysis of whether the Custodian knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances pending the Custodian's compliance with the Council's Interim Order.

Procedural History:

On February 2, 2017, the Council distributed its January 31, 2017 Interim Order to all parties. On February 8, 2017, the Custodian's Council telephoned the GRC to seek an extension of time until February 13, 2017 for the Custodian to comply with the Council's Interim Order. The GRC granted the Custodian an extension of time until February 13, 2017 to comply with the Council's Interim Order. On February 13, 2017, the Custodian's Counsel asked for, and was granted, another extension of time until February 21, 2017 for the Custodian to comply with the Council's Order. Thereafter, on February 16, 2017, the Custodian's Counsel asked for, and was granted, a final extension of time until February 27, 2017 for the Custodian to comply with the Council's Interim Order. On February 27, 2017, the Custodian responded to the Council's Interim Order by providing certified confirmation of compliance to the GRC.

Analysis

Compliance

On January 31, 2017, the Council ordered the above-referenced compliance. On February 2, 2017, the Council distributed its Interim Order to all parties, providing the Custodian five (5) business days to comply with the terms of said Order. Therefore, compliance was due on or before February 9, 2017. On February 8, 2017, the Custodian's Counsel sought the first of several extensions of time for the Custodian to comply with the Council's Interim Order. The GRC granted Counsel's requests for the extensions of time, which resulted in a final due date of February 27, 2017 for compliance.

On February 27, 2017, the Custodian forwarded certified confirmation of compliance to the GRC, wherein she certified that she submitted as Exhibit “A” all unredacted pages of the records requested by the Council for the *in camera* inspection. As such, the Custodian delivered copies of the requested unredacted records as ordered by the Council. However, the Custodian failed to deliver the ordered redacted copies of the records to the GRC. Instead, the Custodian certified that the reasons for the redactions were articulated in her certification. Therefore, in order for the Council members to review the redactions in an unencumbered fashion by comparing redacted content against unredacted content, it was necessary for the GRC to make the Council members copies of the redacted records from those that were submitted by the Complainant in his Denial of Access Complaint. The Custodian did provide a document or redaction index as ordered.

Therefore, the Custodian failed to fully comply with the terms of the Council’s January 31, 2017 Interim Order because the Custodian did not “ ... deliver to the Council in a sealed envelope nine (9) copies of the ... redacted records ...”

Unlawful Denial of Access

OPRA provides that government records made, maintained, kept on file, or received by a public agency in the course of its official business are subject to public access unless otherwise exempt. N.J.S.A. 47:1A-1.1. A custodian must release all records responsive to an OPRA request “with certain exceptions.” N.J.S.A. 47:1A-1. Additionally, OPRA places the burden on a custodian to prove that a denial of access to records is lawful. N.J.S.A. 47:1A-6.

The GRC conducted an *in camera* examination on the submitted records. The results of this examination are set forth in the following table:

Record or Redaction Number	Record Name/Date	Description of Redaction(s)	Custodian’s Explanation/ Citation for Redaction(s)	Findings of the <i>In Camera</i> Examination⁵

⁵ Except as otherwise noted, the GRC concluded that all disclosable records did not consist of ACD material. Unless otherwise noted, all e-mail attachments were properly denied. For purposes of identifying redactions in the requested records, unless otherwise noted a paragraph/new paragraph begins whenever there is an indentation and/or a skipped space(s). The paragraphs are to be counted starting with the first whole paragraph in each record and continuing sequentially through the end of the record. If a record is subdivided with topic headings, renumbering of paragraphs will commence under each new topic heading. Sentences are to be counted in sequential order throughout each paragraph in each record. Each new paragraph will begin with a new sentence number. If only a portion of a sentence is to be redacted, the word in the sentence which the redaction follows or precedes, as the case may be, will be identified and set off in quotation marks. If there is any question as to the location and/or extent of the redaction, the GRC should be contacted for clarification before the record is redacted/disclosed. Unless redaction software is used, the GRC recommends the redactor make a paper copy of the original record and manually "black out" the information on the copy with a dark colored marker, then provide a copy of the blacked-out record to the requester.

1	E-mail from A. Gatto to M. Haberstick, et al. dated 01/08/14 with two attachments	Attachment abbreviations in header 1 st paragraph: sentence 2, 3, and 4 2 nd paragraph: All Table: Entire	Inter-agency or intra-agency advisory, consultative, or deliberative (“ACD”) material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Disclose 2 nd paragraph
2	E-mail from A. Gatto to D. Surro, et al. dated 01/07/14 with two attachments	1 st paragraph: sentence 2, 3, and 4 Bullet point paragraphs 2-5 and paragraph 6	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Disclose sentence 3 and 4 in 1 st paragraph
3	E-mail from A. Gatto to M. Haberstick dated 01/08/14 with four attachments	Attachment abbreviations in header 1 st paragraph: sentence 2 Paragraphs 2-4 5 th paragraph: sentence 2	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Disclose sentence 2 in 5 th paragraph
4	E-mail from A. Gatto to F. Jones dated 01/07/14 with two attachments	1 st paragraph: sentence 2, 3, and 4 Bullet point paragraphs 2 and 3	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Disclose sentence 3 and 4 in 1 st paragraph
5	E-mail from D. Chisholm to S. Balducci, et al. (A. Gatto is one of the	All numbered paragraphs except paragraph 10 ⁶	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Disclose the last sentence in paragraph numbered 4, (which appears as

⁶ There are two (2) paragraphs numbered “1” and no paragraph number 5.

	recipients) dated 12/05/13 with two attachments			an unnumbered paragraph beginning “Please submit...”) Disclose sentence 2 and 3 of numbered paragraph 8 Disclose last sentence of numbered paragraph 9
6	E-mail from D. Chisholm to S. Balducci, et al. (A. Gatto is one of the recipients) dated 11/08/13 with four attachments	All numbered paragraphs and subparagraphs except paragraph 6	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Disclose the attachment titled “Distinguishing Between IT Workers and IT Users” except for the 1 st italicized paragraph because this attachment is excerpted from the U.S. Office of Personnel Management
7	E-mail from A. Gatto to K. Connolly dated 10/10/13, 2:49 pm	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Content properly redacted as ACD material
8	E-mail from K. Connolly to A. Gatto dated 10/10/13, 4:05 pm	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Disclose sentence number 3
9	E-mail from A. Gatto to K. Connolly dated 10/10/13, 7:24 pm	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Disclose last sentence in 3 rd paragraph
10	E-mail from D. Chisholm to S. Balducci, et al.	All numbered paragraphs and subparagraphs	ACD material pursuant to <u>N.J.S.A.</u>	Content properly redacted as ACD material

	(A. Gatto is one of the recipients) dated 09/27/13 with one attachment	except paragraph 9	47:1A-1.1	
11	E-mail from D. Chisholm to S. Balducci, et al. (A. Gatto is one of the recipients) dated 08/21/13 with three attachments	All numbered paragraphs and subparagraphs except paragraph 5	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Disclose paragraph number 4
12	E-mail from A. Gatto to D. Paolini, et al. dated 08/14/13	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Content properly redacted as ACD material
13	E-mail from S. Pagano to G. Alpert, et al. dated 08/14/13	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Disclose the 1 st sentence of the 1 st paragraph up to the word “and”
14	E-mail from A. Gatto to G. Greco dated 08/15/13	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Disclose 1 st sentence in the 2 nd paragraph Disclose 1 st sentence of the 3 rd paragraph up to the word “internal”
15	E-mail from A. Gatto to D. Paolini, et al. dated 08/14/13	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1 and “Personnel Information”	The first paragraph is not a personnel record; however, it is a recommendation and has been properly redacted as ACD material. The second paragraph was properly redacted as ACD material
16	E-mail from D. Chisholm to S.	1 st paragraph	ACD material pursuant to	Disclose 1 st sentence of the 1 st

	Balducci, et al. (A. Gatto is one of the recipients) dated 07/29/13		<u>N.J.S.A.</u> 47:1A-1.1	paragraph up to the word “begin”
17	E-mail from A. Gatto to S. Pagano dated 07/15/13	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Disclose 2 nd sentence of the 2 nd paragraph (the sentence that begins with the word “It’s”)
18	E-mail from A. Gatto to R. Luccarelli dated 07/24/13	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Content properly redacted as ACD material
19	E-mail from S. Pagano to G. Broeker dated 07/03/13	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Content properly redacted as ACD material
20	Results of the 06/27/13 meeting	All numbered paragraphs and subparagraphs except paragraph 6	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Disclose paragraph number 5
21	E-mail from A. Gatto to S. Adeseye, et al. dated 08/14/13 with one attachment	2 nd paragraph	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Disclose 2 nd sentence of the 2 nd paragraph
22	E-mail from A. Gatto to D. Ianni dated 06/27/13, 1:53 pm	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Disclose sentence 1 and 5 in the 1 st paragraph Disclose 2 nd sentence of the 2 nd paragraph Disclose the 3 rd paragraph consisting of one sentence
23	E-mail from D. Ianni to A. Gatto dated 06/27/13, 2:08	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Disclose entire e-mail content

	pm			
24	E-mail from A. Gatto to D. Paolini dated 06/26/13, 11:35 am	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Content properly redacted as ACD material
25	E-mail from D. Paolini to A. Gatto to dated 06/26/13, 12:45 pm	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Disclose entire e-mail content
26	E-mail from D. Chisholm to S. Balducci, et al. (A. Gatto is one of the recipients) dated 06/24/13 with one attachment	Paragraphs 1, 2 and 3	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Disclose the 3 rd paragraph
27	E-mail from D. Chisholm to D. Snedeker, et al. (A. Gatto is one of the recipients) dated 06/14/13	Entire e-mail content except for 1 st paragraph	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Disclose last two paragraphs
28	E-mail from A. Gatto to D. Surro dated 06/14/13	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Disclose 1 st and last sentence in the 1 st paragraph. Also disclose the 2 nd sentence in the 1 st paragraph up to the word "the"
29	E-mail from R. Fitzpatrick to J. Essner dated 03/12/12	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	E-mail may be denied because it is not a record responsive to the request
30	E-mail from A. Gatto to G. Broeker dated 06/12/13	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Disclose 2 nd sentence in the 1 st paragraph

31	E-mail from A. Gatto to D. Surro dated 06/06/13	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1 and "Personnel Information"	Disclose 1 st sentence in the 1 st paragraph. Disclose sentence 3 and 4 of the 2 nd paragraph Disclose paragraph 3 up to the second dash, and disclose paragraph 5
32	E-mail from A. Gatto to H. Hottmann dated 05/31/13 with one attachment	Entire e-mail content and attachment.	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Disclose the 2 nd sentence of the 1 st paragraph
33	E-mail from A. Gatto to S. Pagano dated 05/23/13	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1 and "Personnel Information"	Disclose 1 st sentence
34	E-mail from C. Gill to G. Broeker, et al. (S. Pagano is one of the recipients) dated 01/31/13, 11:44 am	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1 and "Personnel Information"	The content of the e-mail is not a personnel record; however, it is a recommendation and has been properly redacted as ACD material.
35	E-mail from S. Pagano to C. Gill dated 01/31/13, 1:58 pm	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1 and "Personnel Information"	The content of the e-mail is not a personnel record; however, it is a response to a recommendation and has been properly redacted as ACD material.
36	E-mail from A. Gatto to D. Surro, et al. (S. Pagano is one of the	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1 and "Personnel	Content properly redacted as ACD material

	recipients) dated 05/17/13, 9:11 am		Information”	
37	E-mail from S. Pagano to A. Gatto, et al. dated 05/17/13, 9:15 am	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1 and “Personnel Information”	Disclose entire e-mail content
38	E-mail from A. Gatto to S. Balducci dated 05/08/13	Everything below the 1 st paragraph except the send information	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Disclose all but the three bullet point sentences
39	E-mail from D. Chisholm to D. Snedeker, et al. (A. Gatto is one of the recipients) dated 04/29/13	Lead paragraph and all numbered paragraphs and subparagraphs except paragraph 4	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Disclose paragraph 1(b) and paragraph 3(b)
40	E-mail from A. Gatto to S. Emanuel dated 05/10/13	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Disclose 1 st sentence
41	E-mail from A. Gatto to D. Paolini dated 04/22/13	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1 and “Personnel Information”	Disclose last sentence in 1 st paragraph Disclose last sentence in the e-mail
42	E-mail from A. Gatto to A. Sotimehin dated 04/17/13	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Disclose last sentence in the e-mail
43	E-mail from to A. Sotimehin to A. Gatto dated 04/19/13	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Disclose the full paragraph up to the word “afternoon”
44	E-mail from A. Gatto to L. Schulman dated 04/19/13	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Disclose last sentence in the e-mail
45	E-mail from D. Chisholm to D.	Lead paragraph and all	ACD material pursuant to	Content of e-mail properly redacted

	Snedeker, et al. (A. Gatto is one of the recipients) dated 03/28/13 with two attachments	numbered paragraphs and subparagraphs except paragraph 5 and last sentence in the e-mail	<u>N.J.S.A.</u> 47:1A-1.1	as ACD material
46	E-mail from to L. Schulman to G. Alpert, et al. (A. Gatto is one of the recipients) dated 03/19/13	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Content of e-mail properly redacted as ACD material
47	E-mail from D. Chisholm to D. Snedeker, et al. (A. Gatto is one of the recipients) dated 03/01/13 with five attachments	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Disclose paragraph 4(b)
48	E-mail from A. Gatto to A. Sotimehin dated 02/19/13	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Content of e-mail properly redacted as ACD material
49	E-mail from A. Sotimehin to A. Gatto dated 02/20/13	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Disclose entire e-mail content
50	E-mail from R. Reinert to S. Pagano, et al. dated 01/28/13	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Disclose entire e-mail content
51	E-mail from R. Reinert to S. Pagano, et al. dated 02/05/13	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Disclose entire e-mail content
52	E-mail from A. Gatto to R. Reinert dated 02/06/13	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Disclose 1 st sentence
53	E-mail from A. Gatto to G.	Entire e-mail content	ACD material pursuant to	Content of e-mail properly redacted

	Broeker dated 02/05/13		<u>N.J.S.A.</u> 47:1A-1.1	as ACD material
54	E-mail from D. Chisholm to D. Snedeker, et al. (A. Gatto is one of the recipients) dated 02/06/13	All numbered paragraphs and subparagraphs except paragraph 5	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Disclose 1 st paragraph Disclose last sentence in paragraphs 4(b) and 4(f)
55	E-mail from A. Gatto to R. Brown, et al. dated 01/31/13	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Content of e-mail properly redacted as ACD material
56	E-mail from G. Alpert to A. Gatto, et al. dated 01/31/13	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Content of e-mail properly redacted as ACD material
57	E-mail from A. Gatto to G. Alpert, et al. dated 01/31/13	Entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Content of e-mail properly redacted as ACD material
58	E-mail from D. Paolini to S. Pagano dated 01/02/13	Subject and entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Disclose last sentence in the e-mail
59	E-mail from S. Pagano to A. Gatto dated 01/02/13	Subject	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Content of e-mail properly redacted as ACD material
60	E-mail from A. Gatto to S. Pagano, et al. dated 01/03/13	Subject and entire e-mail content	ACD material pursuant to <u>N.J.S.A.</u> 47:1A-1.1	Content of e-mail properly redacted as ACD material

Thus, on the basis of the Council’s determination in this matter, the Custodian shall comply with the Council’s “Findings of the *In Camera* Examination” set forth in the above table.

Knowing & Willful

The Council defers analysis of whether the Custodian knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances pending the Custodian’s compliance with the Council’s Interim Order.

Conclusions and Recommendations

The Council Staff respectfully recommends the Council find that:

1. The Custodian failed to fully comply with the terms of the Council's January 31, 2017 Interim Order because the Custodian did not "... deliver to the Council in a sealed envelope nine (9) copies of the ... redacted records ..."
2. **On the basis of the Council's determination in this matter, the Custodian shall comply with the Council's Findings of the *In Camera* Examination set forth in the above table within five (5) business days from receipt of this Order and simultaneously provide certified confirmation of compliance pursuant to N.J. Court Rules, 1969 R. 1:4-4 (2005) to the Council Staff.⁷**
3. The Council defers analysis of whether the Custodian knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances pending the Custodian's compliance with the Council's Interim Order.

Prepared By: John E. Stewart
Staff Attorney

May 16, 2019

⁷ Satisfactory compliance requires that the Custodian deliver the record(s) to the Complainant in the requested medium. If a copying or special service charge was incurred by the Complainant, the Custodian must certify that the record has been *made available* to the Complainant but the Custodian may withhold delivery of the record until the financial obligation is satisfied. Any such charge must adhere to the provisions of N.J.S.A. 47:1A-5.

EXHIBIT A

(A) List of all records responsive to Complainant's OPRA request (include the number of pages for each record).	(B) List the Records Retention Requirement and Disposition Schedule for each records responsive to the Complainant's OPRA request	(C) List of all records provided to Complainant, in their <u>entirety</u> or <u>with redactions</u> (include the <u>date</u> such records were provided).	(D) If records were disclosed with redactions, give a general nature description of the redactions.	(E) If records were denied in their entirety, give a general nature description of the record.	(F) List the legal explanation and statutory citation for the denial of access to records in their <u>entirety</u> or <u>with redactions</u> .
Email from A. Gatto to M. Haberstick and M. Mycoff, cc N. Shilkevich Re: Title consolidation 13 pages	Records Retention Requirement: N/A Disposition Schedule: N/A.	Email provided with redactions and sans two attachments on September 3, 2014 (37 business days after receiving the OPRA request).	Redactions were made to delete attachment file name and discussion of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from A. Gatto to D. Surro, S. Omogbehin, J. Herbert, cc: H. Hottmann, N. Shilkevich Re: Network Administrator 10 pages	Records Retention Requirement: N/A Disposition Schedule: N/A.	Email provided with redactions and sans two attachments on September 3, 2014 (37 business days after receiving the OPRA request).	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from A. Gatto to M. Haberstick, cc: H. Hottmann, N. Shilkevich Re: Title Consolidation 17 pages	Records Retention Requirement: N/A Disposition Schedule: N/A.	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from A. Gatto to F. Jones, cc: H. Hottmann, N. Shilkevich Re: Data Processing Systems Programmer 10 pages	Records Retention Requirement: N/A Disposition Schedule: N/A.	Email provided with redactions and sans two attachments on September 3, 2014 (37 business days after receiving the OPRA request).	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from D.	Records Retention	Email provided on	N/A	N/A	N/A

(A) List of all records responsive to Complainant's OPRA request (include the number of pages for each record).	(B) List the Records Retention Requirement and Disposition Schedule for each records responsive to the Complainant's OPRA request	(C) List of all records provided to Complainant, in their <u>entirety</u> or with <u>redactions</u> (include the <u>date</u> such records were provided).	(D) If records were disclosed with redactions, give a general nature description of the redactions.	(E) If records were denied in their entirety, give a general nature description of the record.	(F) List the legal explanation and statutory citation for the denial of access to records in their <u>entirety</u> or with <u>redactions</u> .
Burdge to A. Gatto Re: New Title for High Level IT Skills 1 page	Requirement: N/A Disposition Schedule: N/A.	September 3, 2014 (37 business days after receiving the OPRA request).			
Email from C. Danielle to Consolidation Committee Re: Minutes from the 11-15-2013 IT Title Consolidation Meeting 3 pages	Records Retention Requirement: N/A Disposition Schedule: N/A.	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete meeting minutes of a non-public committee.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from C. Danielle to Consolidation Committee Re: Minutes from the 10-18-2013 IT Title Consolidation Meeting 2 pages	Records Retention Requirement: N/A Disposition Schedule: N/A.	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete meeting minutes of a non-public committee.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from C. Danielle to Consolidation Committee Re: Minutes from the 9-19-2013 IT Title Consolidation Meeting 2 pages	Records Retention Requirement: N/A Disposition Schedule: N/A.	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete meeting minutes of a non-public committee.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from C.	Records Retention	Email provided	Redactions were	N/A	N.J.S.A. 47:1A-

(A) List of all records responsive to Complainant's OPRA request (include the number of pages for each record).	(B) List the Records Retention Requirement and Disposition Schedule for each records responsive to the Complainant's OPRA request	(C) List of all records provided to Complainant, in their entirety or with redactions (include the date such records were provided).	(D) If records were disclosed with redactions, give a general nature description of the redactions.	(E) If records were denied in their entirety, give a general nature description of the record.	(F) List the legal explanation and statutory citation for the denial of access to records in their entirety or with redactions.
Danielle to Consolidation Committee Re: Minutes from the 8-9-2013 IT Title Consolidation Meeting 2 pages	Requirement: N/A Disposition Schedule: N/A	with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	made only to delete meeting minutes of a non-public committee.		1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from A. Gatto to G. Greco Re: Accomplishments 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions at non-public committee.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from A. Gatto to D. Paolini, L. Schulman, C. Chafsky Re: Selective Certification Interviews 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from S. Pagano to A. Gatto Re: CSC Staff 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided on September 3, 2014 (37 days after receiving OPRA request)	N/A	N/A	N/A
Email from A. Sotimehin to D. Burdge, M. Hill, A. Gatto Re: Workweek Issue for	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided on September 3, 2014 (37 days after receiving OPRA request)	N/A	N/A	N/A

(A) List of all records responsive to Complainant's OPRA request (include the number of pages for each record).	(B) List the Records Retention Requirement and Disposition Schedule for each records responsive to the Complainant's OPRA request	(C) List of all records provided to Complainant, in their entirety or with redactions (include the date such records were provided).	(D) If records were disclosed with redactions, give a general nature description of the redactions.	(E) If records were denied in their entirety, give a general nature description of the record.	(F) List the legal explanation and statutory citation for the denial of access to records in their entirety or with redactions.
Technician MIS 3 pages					
Email from D. Chisholm to Consolidation Committee Re: IT Title Consolidation Committee, Administrative Analyst, Information System Series 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from S. Pagano to A. Gatto cc: L. Schulman Re: CSC Agenda Items 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from A. Gatto to R. Luccarelli Re: List of Duties 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from S. Pagano to G. Broeker Re: Heads Up 3 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from A.	Records Retention	Email provided	Redactions were	N/A	N.J.S.A. 47:1A-

(A) List of all records responsive to Complainant's OPRA request (include the number of pages for each record).	(B) List the Records Retention Requirement and Disposition Schedule for each records responsive to the Complainant's OPRA request	(C) List of all records provided to Complainant, in their entirety or with redactions (include the date such records were provided).	(D) If records were disclosed with redactions, give a general nature description of the redactions.	(E) If records were denied in their entirety, give a general nature description of the record.	(F) List the legal explanation and statutory citation for the denial of access to records in their entirety or with redactions.
Gatto to A. Sotimehin, D. Chisholm Re: Selective Certification 7 page	Requirement: N/A Disposition Schedule: N/A	with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	made only to delete discussions of unapproved, proposed job specifications.		1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from D. Ianni to A.Gatto Re: Title Consolidation 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from D. Paolini to A. Gatto Re: Administrative Assistant 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from D. Chisholm to Consolidation Committee Re: Modification of Experience Requirement for the Administrative Analyst Data Processing series 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications in body of email and attachments.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from D. Chisholm to Consolidation Committee Re: Rescheduling	Records Retention Requirement: N/A Disposition Schedule:	Email provided with redactions due to confidential nature of email on September 3, 2014	Redactions were made only to delete discussions of unapproved,	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory,

(A) List of all records responsive to Complainant's OPRA request (include the number of pages for each record).	(B) List the Records Retention Requirement and Disposition Schedule for each records responsive to the Complainant's OPRA request	(C) List of all records provided to Complainant, in their <u>entirety</u> or <u>with redactions</u> (include the <u>date</u> such records were provided).	(D) If records were disclosed with redactions, give a general nature description of the redactions.	(E) If records were denied in their entirety, give a general nature description of the record.	(F) List the legal explanation and statutory citation for the denial of access to records in their <u>entirety</u> or <u>with redactions</u> .
of the June 21 st IT Title Consolidation Meeting 2 pages	N/A	(37 days after receiving OPRA request)	proposed job specifications.		consultative or deliberative material
Email from A. Gatto to D. Surro Re: Title Consolidation and CSC Issues 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from A. Gatto to G. Broeker Re: Information Security 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from A. Gatto to A. Sotimehin Re: IT Consolidation Meeting 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided on September 3, 2014 (37 days after receiving OPRA request)	N/A	N/A	N/A
Email from A. Gatto to L. Schulman Re: title -NA2 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material N.J.S.A. 47:1A-10 Personnel and pension records

(A) List of all records responsive to Complainant's OPRA request (include the number of pages for each record).	(B) List the Records Retention Requirement and Disposition Schedule for each records responsive to the Complainant's OPRA request	(C) List of all records provided to Complainant, in their <u>entirety</u> or <u>with redactions</u> (include the <u>date</u> such records were provided).	(D) If records were disclosed with redactions, give a general nature description of the redactions.	(E) If records were denied in their entirety, give a general nature description of the record.	(F) List the legal explanation and statutory citation for the denial of access to records in their <u>entirety</u> or <u>with redactions</u> .
Email from A. Gatto to H. Hottmann Re: Challenges – Technician MIS and Technical Support Specialist 11 pages	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from A. Gatto to S. Pagano cc: L. Schulman Re: Lateral Movements 1 pages	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material N.J.S.A. 47:1A-10 Personnel and pension records
Email from A. Gatto to J. King Re: Fw: TSA1 Title 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material N.J.S.A. 47:1A-10 Personnel and pension records
Email from S. Pagano to A. Gatto, D. Surro Re: SIT Title 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative

(A) List of all records responsive to Complainant's OPRA request (include the number of pages for each record).	(B) List the Records Retention Requirement and Disposition Schedule for each records responsive to the Complainant's OPRA request	(C) List of all records provided to Complainant, in their <u>entirety</u> or <u>with redactions</u> (include the <u>date</u> such records were provided).	(D) If records were disclosed with redactions, give a general nature description of the redactions.	(E) If records were denied in their entirety, give a general nature description of the record.	(F) List the legal explanation and statutory citation for the denial of access to records in their <u>entirety</u> or <u>with redactions</u> .
		request)			material N.J.S.A. 47:1A-10 Personnel and pension records
Email from D. Chisholm to A. Gatto Re: IT Title Consolidation Committee 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided on September 3, 2014 (37 days after receiving OPRA request)	N/A	N/A	N/A
Email from S. Balducci to A. Gatto cc: J. Vetter Re: IT Title Consolidation Committee 3 pages	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from A. Gatto to S. Emanuel cc: G. Broeker, S. Pagano Re: Update on CSC matters 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from A. Gatto to D. Burdge Re: Workweek Issue	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided on September 3, 2014 (37 days after receiving OPRA request)	N/A	N/A	N/A
Email from A.	Records Retention	Email provided	Redactions were	N/A	N.J.S.A. 47:1A-

(A) List of all records responsive to Complainant's OPRA request (include the number of pages for each record).	(B) List the Records Retention Requirement and Disposition Schedule for each records responsive to the Complainant's OPRA request	(C) List of all records provided to Complainant, in their <u>entirety</u> or <u>with redactions</u> (include the <u>date</u> such records were provided).	(D) If records were disclosed with redactions, give a general nature description of the redactions.	(E) If records were denied in their entirety, give a general nature description of the record.	(F) List the legal explanation and statutory citation for the denial of access to records in their <u>entirety</u> or <u>with redactions</u> .
<p>Gatto to D. Paolini cc: G. Broeker, S. Pagano</p> <p>Re: Redacted</p> <p>2 pages</p>	<p>Requirement: N/A</p> <p>Disposition Schedule: N/A</p>	<p>with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)</p>	<p>made only to delete discussions of unapproved, proposed job specifications.</p>		<p>1.1 Inter-agency or intra-agency advisory, consultative or deliberative material</p> <p>N.J.S.A. 47:1A-10 Personnel and pension records</p>
<p>Email from A. Gatto to L. Schulman</p> <p>Re: Technician MIS and Technical Support Specialist</p> <p>2 pages</p>	<p>Records Retention Requirement: N/A</p> <p>Disposition Schedule: N/A</p>	<p>Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)</p>	<p>Redactions were made only to delete discussions of unapproved, proposed job specifications.</p>	<p>N/A</p>	<p>N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material</p>
<p>Email from D. Chisholm to Title Consolidation Committee</p> <p>Re: Minutes from 3-22-2013 IT Title Consolidation Meeting</p> <p>2 pages</p>	<p>Records Retention Requirement: N/A</p> <p>Disposition Schedule: N/A</p>	<p>Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)</p>	<p>Redactions were made only to delete discussions of unapproved, proposed job specifications.</p>	<p>N/A</p>	<p>N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material</p>
<p>Email from A. Gatto to L. Schulman</p> <p>Re: March 2013 Issue of Straight from the Treasurer</p> <p>2 pages</p>	<p>Records Retention Requirement: N/A</p> <p>Disposition Schedule: N/A</p>	<p>Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)</p>	<p>Redactions were made only to delete discussions of unapproved, proposed job specifications.</p>	<p>N/A</p>	<p>N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material</p>

(A) List of all records responsive to Complainant's OPRA request (include the number of pages for each record).	(B) List the Records Retention Requirement and Disposition Schedule for each records responsive to the Complainant's OPRA request	(C) List of all records provided to Complainant, in their <u>entirety</u> or <u>with redactions</u> (include the <u>date</u> such records were provided).	(D) If records were disclosed with redactions, give a general nature description of the redactions.	(E) If records were denied in their entirety, give a general nature description of the record.	(F) List the legal explanation and statutory citation for the denial of access to records in their <u>entirety</u> or <u>with redactions</u> .
Email from D. Chisholm to Title Consolidation Committee Re: Minutes from 2-22-2013 Meeting 3 pages	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from A. Sotimehin to A. Gatto Re: Title Consolidation 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request).	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from A. Gatto to R. Reinert Re: Project Manager Data Processing job analysis 2 pages	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from G. Broeker to A. Gatto Re: IT Title Consolidation 4 pages	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from A. Gatto to G. Alpert, R. Brown Re: DOH Staffing MOU 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative

(A) List of all records responsive to Complainant's OPRA request (include the number of pages for each record).	(B) List the Records Retention Requirement and Disposition Schedule for each records responsive to the Complainant's OPRA request	(C) List of all records provided to Complainant, in their entirety or with redactions (include the date such records were provided).	(D) If records were disclosed with redactions, give a general nature description of the redactions.	(E) If records were denied in their entirety, give a general nature description of the record.	(F) List the legal explanation and statutory citation for the denial of access to records in their entirety or with redactions.
<p>Email from A. Gatto to N. Shikevich</p> <p>Re: FW: Minutes from the 12-6-2012 meeting</p> <p>1 page</p>	<p>Records Retention Requirement: N/A</p> <p>Disposition Schedule: N/A</p>	<p>request)</p> <p>Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)</p>	<p>Redactions were made only to delete discussions of unapproved, proposed job specifications.</p>	<p>N/A</p>	<p>material</p> <p>N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material</p>
<p>Email from L. Schulman to C. Chalofsky, T. Tarrent cc: C. Brown, H. Felsheim, G. Gatto, S. Pagano</p> <p>Re: FW: Title Consolidation-Software Development Specialist</p> <p>5 pages</p>	<p>Records Retention Requirement: N/A</p> <p>Disposition Schedule: N/A</p>	<p>Email provided on September 3, 2014 (37 days after receiving OPRA request)</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>
<p>Email from A. Gatto to S. Pagano</p> <p>Re: Redacted</p> <p>2 pages</p>	<p>Records Retention Requirement: N/A</p> <p>Disposition Schedule: N/A</p>	<p>Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)</p>	<p>Redactions were made only to delete discussions of unapproved, proposed job specifications.</p>	<p>N/A</p>	<p>N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material</p>



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
101 SOUTH BROAD STREET
PO Box 819
TRENTON, NJ 08625-0819

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

INTERIM ORDER

January 31, 2017 Government Records Council Meeting

Dudley Burdge
Complainant

Complaint No. 2014-338

v.

NJ Office of Information Technology
Custodian of Record

At the January 31, 2017 public meeting, the Government Records Council ("Council") considered the January 24, 2017 Findings and Recommendations of the Executive Director and all related documentation submitted by the parties. The Council voted unanimously to adopt the entirety of said findings and recommendations. The Council, therefore, finds that:

1. The GRC must conduct an *in camera* review of the responsive e-mail records to determine the validity of the Custodian's assertion that the redactions were made to exclude ACD material from disclosure and to prevent disclosure of material that constitutes personnel records. *See Paff v. NJ Dep't of Labor, Bd. of Review*, 379 N.J. Super. 346 (App. Div. 2005); N.J.S.A. 47:1A-1.1 and N.J.S.A. 47:1A-10.
2. **The Custodian must deliver¹ to the Council in a sealed envelope nine (9) copies of the requested unredacted records listed in Column A of Exhibit A, nine (9) copies of the redacted records, a document or redaction index², as well as a legal certification from the Custodian, in accordance with N.J. Court Rule 1:4-4,³ that the records provided are the records requested by the Council for the *in camera* inspection. Such delivery must be received by the GRC within five (5) business days from receipt of the Council's Interim Order.**
3. The Council defers analysis of whether the Custodian knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances pending the Custodian's compliance with the Council's Interim Order.

¹ The *in camera* records may be sent overnight mail, regular mail, or be hand-delivered, at the discretion of the Custodian, as long as they arrive at the GRC office by the deadline.

² The document or redaction index should identify the record and/or each redaction asserted and the lawful basis for the denial.

³ "I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment."

Interim Order Rendered by the
Government Records Council
On The 31st Day of January, 2017

Robin Berg Tabakin, Esq., Chair
Government Records Council

I attest the foregoing is a true and accurate record of the Government Records Council.

Steven Ritardi, Esq., Secretary
Government Records Council

Decision Distribution Date: February 2, 2017

**STATE OF NEW JERSEY
GOVERNMENT RECORDS COUNCIL**

**Findings and Recommendations of the Executive Director
January 31, 2017 Council Meeting**

**Dudley Burdge¹
Complainant**

GRC Complaint No. 2014-338

v.

**New Jersey Office of Information Technology²
Custodial Agency**

Records Relevant to Complaint:³ Electronic copies of “[a]ll e-mails whose sender or recipient is Anthony Gatto or Sharon Pagano whose subject or content is the Interagency (or Interdepartmental) Title Consolidation Committee for the period between . . .”

Request No. 1 (C88339): “May 1, 2014 and July 11, 2014”
Request No. 2 (C88342): “January 1, 2014 and April 30, 2014”
Request No. 3 (C88343): “September 1, 2013 and December 31, 2013”
Request No. 4 (C88344): “May 1, 2013 and August 31, 2013”
Request No. 5 (C88345): “January 1, 2013 and April 30, 2013”
Request No. 6 (C88346): “September 1, 2012 and December 31, 2012”
Request No. 7 (C88347): “May 1, 2012 and August 31, 2012”
Request No. 8 (C88348): “January 1, 2012 and April 30, 2012”

Custodian of Record: Shelley Bates
Requests Received by Custodian: July 11, 2014
Response Made by Custodian: September 3, 2014
GRC Complaint Received: October 6, 2014

Background⁴

Requests and Response:

On July 11, 2014, the Complainant submitted eight (8) Open Public Records Act (“OPRA”) requests to the Custodian seeking the above-mentioned records. On July 22, 2014, the seventh (7th) business day following receipt of said request, the Custodian responded in writing, informing the Complainant that an extension of time until August 5, 2014 would be necessary to

¹ No legal representation listed on record.

² Represented by Deputy Attorney General Thomas R. Hower.

³ Eight (8) separate OPRA requests were filed on the same date. The records requested were the same for each request; only the date parameters were different.

⁴ The parties may have submitted additional correspondence or made additional statements/assertions in the submissions identified herein. However, the Council includes in the Findings and Recommendations of the Executive Director the submissions necessary and relevant for the adjudication of this complaint.

respond to the requests due to a continuing review for exempt, confidential, and privileged material. On August 4, 2014, the Custodian stated that she encountered technical production difficulties and needed another extension of time until August 18, 2014. Thereafter, on August 14, 2014, the Custodian stated that she needed another extension of time until August 25, 2014. Finally, on August 25, 2014, the Custodian stated that she needed another extension of time until September 3, 2014.⁵ On September 3, 2014, the Custodian responded to the Complainant's requests by disclosing redacted copies of the requested records.

Denial of Access Complaint:

On October 6, 2014, the Complainant filed a Denial of Access Complaint with the Government Records Council ("GRC"). The Complainant asserts that he filed eight (8) OPRA requests with the agency on July 14, 2014. The Complainant states that all of the requests are identical except for the time periods during which the records would have been made. The Complainant further states that the Custodian sought several extensions of time, to which the Complainant agreed, before he received the Custodian's response dated September 3, 2014. The Complainant asserts that the records that were disclosed by the Custodian were heavily redacted.

The Complainant states that he is unable to determine whether the redactions were appropriately made because he asserts that "it stretches credulity to believe that all redactions were either [inter-agency or intra-agency advisory, consultative or deliberative material] or personnel records." The Complainant wants the GRC to examine each redaction vis-à-vis the specific reason given for the redaction, to determine if the redactions were lawful. The Complainant attached to the complaint copies of the redacted records that the Custodian disclosed to him.

Statement of Information:

On November 25, 2014, the Custodian filed a Statement of Information ("SOI"). The Custodian certified that she received the Complainant's OPRA request on July 12, 2014, and received extensions of time on July 22, 2014, August 4, 2014, and August 14, 2014, before responding in writing on September 3, 2014.⁶

The Custodian's Counsel states that the requests sought records constituting specific communications about the Statewide Information Technology Title Consolidation Committee ("Committee"). Counsel states that the purpose of the Committee was to review information technology titles for potential changes and identify information technology plans and needs which must be included in the title structure. Counsel contends that the Committee operated under the management of the Civil Service Commission, not under the management of the Office of Information Technology. Counsel states that the Committee acted to advise the Civil Service

⁵ The Complainant did not attach copies of the extension of time requests to the complaint. On November 29, 2014, in response to a telephone call from the GRC, the Complainant e-mailed copies of the extension of time requests through August 25, 2014, to the GRC. The GRC subsequently obtained a copy of the August 25, 2014 request for an extension of time until September 3, 2014, from the Custodian. The evidence of record indicates that the Complainant agreed to all of the extensions of time.

⁶ The evidence of record reveals that the Custodian received the requests on July 11, 2014, not July 12, 2014.

Commission so that it could formulate policy regarding information technology job titles. Counsel further states that all work product of the Committee occurred before policy changes were formulated.⁷

Counsel argues that, although the requested records are heavily redacted, all redactions are lawful denials with the reasons for denial set forth in Item 9 of the SOI (attached hereto as Exhibit A). Counsel argues that most redactions were made to exclude inter-agency or intra-agency advisory, consultative, or deliberative (“ACD”) material from disclosure. Counsel states that the records responsive to the requests were developed by an inter-agency panel about prospective changes to the job titles for information technology jobs and that some of the records contained draft documents which are clearly pre-decisional.

Counsel also argues that some of the redactions were made to prevent disclosure of material that constitutes personnel records, which are exempt from disclosure pursuant to N.J.S.A. 47:1A-10. Counsel asserts that in five instances, information about specific employees is discussed that may constitute different job titles for specific employees, potential future job titles, and future job responsibilities.

Counsel concludes by asserting that all of the redactions were lawful as ACD material or personnel record information. As such, the Custodian’s Counsel asks the GRC to dismiss the complaint in its entirety.

Additional Submissions:

On November 28, 2016, the GRC informed the Custodian’s Counsel that the Custodian in the SOI referenced several extensions of time in order to respond to the Complainant’s OPRA request; however, she failed to attach copies of same to the SOI. The GRC requested Counsel have the Custodian forward copies of the extension of time requests to the GRC. On December 1, 2016, the Custodian’s Counsel telephonically requested an extension of time for the Custodian to retrieve and submit the documents to the GRC. The GRC requested that the Custodian submit the documents to the GRC by December 5, 2016, so that the complaint could be placed on the Council’s agenda for December. On December 29, 2016, the Custodian forwarded to the GRC copies of the requested extensions of time.

Analysis

Unlawful Denial of Access

OPRA provides that government records made, maintained, kept on file, or received by a public agency in the course of its official business are subject to public access unless otherwise exempt. N.J.S.A. 47:1A-1.1. A custodian must release all records responsive to an OPRA request “with certain exceptions.” N.J.S.A. 47:1A-1. Additionally, OPRA places the burden on a custodian to prove that a denial of access to records is lawful pursuant to N.J.S.A. 47:1A-6.

⁷ The Custodian attached to the SOI a certification submitted by Anthony Gatto dated November 25, 2014. The certification supports the narrative contained within Counsel’s legal argument regarding formation and purpose of the Committee.

Here, the Custodian stated that the records responsive to the Complainant's requests consist of e-mails. The Custodian asserted that the majority of the requested e-mails contain information that was redacted as ACD material pursuant to N.J.S.A. 47:1A-1.1. The Custodian also asserted that some of the redactions were made to prevent disclosure of material that constitutes personnel records, which are exempt from disclosure pursuant to N.J.S.A. 47:1A-10.

In Paff v. NJ Dep't of Labor, Bd. of Review, 379 N.J. Super. 346 (App. Div. 2005), the complainant appealed a final decision of the Council⁸ that accepted the custodian's legal conclusion for the denial of access without further review. The Appellate Division noted that "OPRA contemplates the GRC's meaningful review of the basis for an agency's decision to withhold government records When the GRC decides to proceed with an investigation and hearing, the custodian may present evidence and argument, but the GRC is not required to accept as adequate whatever the agency offers." Id. The Court stated that:

[OPRA] also contemplates the GRC's *in camera* review of the records that an agency asserts are protected when such review is necessary to a determination of the validity of a claimed exemption. Although OPRA subjects the GRC to the provisions of the 'Open Public Meetings Act,' N.J.S.A. 10:4-6 to -21, it also provides that the GRC 'may go into closed session during that portion of any proceeding during which the contents of a contested record would be disclosed.' N.J.S.A. 47:1A-7(f). This provision would be unnecessary if the Legislature did not intend to permit *in camera* review.

Id. at 355.

Further, the Court found that:

We hold only that the GRC has and should exercise its discretion to conduct *in camera* review when necessary to resolution of the appeal There is no reason for concern about unauthorized disclosure of exempt documents or privileged information as a result of *in camera* review by the GRC. The GRC's obligation to maintain confidentiality and avoid disclosure of exempt material is implicit in N.J.S.A. 47:1A-7(f), which provides for closed meeting when necessary to avoid disclosure before resolution of a contested claim of exemption.

Id.

Accordingly, the GRC must conduct an *in camera* review of the responsive e-mail records to determine the validity of the Custodian's assertion that the redactions were made to exclude ACD material from disclosure and to prevent disclosure of material that constitutes personnel records. *See Paff*, 379 N.J. Super. 346; N.J.S.A. 47:1A-1.1 and N.J.S.A. 47:1A-10.

⁸ Paff v. NJ Dep't of Labor, Bd. of Review, GRC Complaint No. 2003-128 (October 2005).

Knowing & Willful

The Council defers analysis of whether the Custodian knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances pending the Custodian's compliance with the Council's Interim Order.

Conclusions and Recommendations

The Executive Director respectfully recommends the Council find that:

1. The GRC must conduct an *in camera* review of the responsive e-mail records to determine the validity of the Custodian's assertion that the redactions were made to exclude ACD material from disclosure and to prevent disclosure of material that constitutes personnel records. *See Paff v. NJ Dep't of Labor, Bd. of Review*, 379 N.J. Super. 346 (App. Div. 2005); N.J.S.A. 47:1A-1.1 and N.J.S.A. 47:1A-10.
2. **The Custodian must deliver⁹ to the Council in a sealed envelope nine (9) copies of the requested unredacted records listed in Column A of Exhibit A, nine (9) copies of the redacted records, a document or redaction index¹⁰, as well as a legal certification from the Custodian, in accordance with N.J. Court Rule 1:4-4,¹¹ that the records provided are the records requested by the Council for the *in camera* inspection. Such delivery must be received by the GRC within five (5) business days from receipt of the Council's Interim Order.**
3. The Council defers analysis of whether the Custodian knowingly and willfully violated OPRA and unreasonably denied access under the totality of the circumstances pending the Custodian's compliance with the Council's Interim Order.

Prepared By: John E. Stewart

January 24, 2017

⁹ The *in camera* records may be sent overnight mail, regular mail, or be hand-delivered, at the discretion of the Custodian, as long as they arrive at the GRC office by the deadline.

¹⁰ The document or redaction index should identify the record and/or each redaction asserted and the lawful basis for the denial.

¹¹ "I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment."

EXHIBIT A

(A) List of all records responsive to Complainant's OPRA request (include the number of pages for each record).	(B) List the Records Retention Requirement and Disposition Schedule for each records responsive to the Complainant's OPRA request	(C) List of all records provided to Complainant, in their <u>entirety</u> or <u>with redactions</u> (include the <u>date</u> such records were provided).	(D) If records were disclosed with redactions, give a general nature description of the redactions.	(E) If records were denied in their entirety, give a general nature description of the record.	(F) List the legal explanation and statutory citation for the denial of access to records in their <u>entirety</u> or <u>with redactions</u> .
Email from A. Gatto to M. Haberstick and M. Mycoff, cc N. Shilkevich Re: Title consolidation 13 pages	Records Retention Requirement: N/A Disposition Schedule: N/A.	Email provided with redactions and sans two attachments on September 3, 2014 (37 business days after receiving the OPRA request).	Redactions were made to delete attachment file name and discussion of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from A. Gatto to D. Surro, S. Omogbehin, J. Herbert, cc: H. Hottmann, N. Shilkevich Re: Network Administrator 10 pages	Records Retention Requirement: N/A Disposition Schedule: N/A.	Email provided with redactions and sans two attachments on September 3, 2014 (37 business days after receiving the OPRA request).	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from A. Gatto to M. Haberstick, cc: H. Hottmann, N. Shilkevich Re: Title Consolidation 17 pages	Records Retention Requirement: N/A Disposition Schedule: N/A.	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from A. Gatto to F. Jones, cc: H. Hottmann, N. Shilkevich Re: Data Processing Systems Programmer 10 pages	Records Retention Requirement: N/A Disposition Schedule: N/A.	Email provided with redactions and sans two attachments on September 3, 2014 (37 business days after receiving the OPRA request).	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from D.	Records Retention	Email provided on	N/A	N/A	N/A

(A) List of all records responsive to Complainant's OPRA request (include the number of pages for each record).	(B) List the Records Retention Requirement and Disposition Schedule for each records responsive to the Complainant's OPRA request	(C) List of all records provided to Complainant, in their <u>entirety</u> or with <u>redactions</u> (include the <u>date</u> such records were provided).	(D) If records were disclosed with redactions, give a general nature description of the redactions.	(E) If records were denied in their entirety, give a general nature description of the record.	(F) List the legal explanation and statutory citation for the denial of access to records in their <u>entirety</u> or with <u>redactions</u> .
Burdge to A. Gatto Re: New Title for High Level IT Skills 1 page	Requirement: N/A Disposition Schedule: N/A.	September 3, 2014 (37 business days after receiving the OPRA request).			
Email from C. Danielle to Consolidation Committee Re: Minutes from the 11-15-2013 IT Title Consolidation Meeting 3 pages	Records Retention Requirement: N/A Disposition Schedule: N/A.	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete meeting minutes of a non-public committee.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from C. Danielle to Consolidation Committee Re: Minutes from the 10-18-2013 IT Title Consolidation Meeting 2 pages	Records Retention Requirement: N/A Disposition Schedule: N/A.	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete meeting minutes of a non-public committee.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from C. Danielle to Consolidation Committee Re: Minutes from the 9-19-2013 IT Title Consolidation Meeting 2 pages	Records Retention Requirement: N/A Disposition Schedule: N/A.	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete meeting minutes of a non-public committee.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from C.	Records Retention	Email provided	Redactions were	N/A	N.J.S.A. 47:1A-

(A) List of all records responsive to Complainant's OPRA request (include the number of pages for each record).	(B) List the Records Retention Requirement and Disposition Schedule for each records responsive to the Complainant's OPRA request	(C) List of all records provided to Complainant, in their entirety or with redactions (include the date such records were provided).	(D) If records were disclosed with redactions, give a general nature description of the redactions.	(E) If records were denied in their entirety, give a general nature description of the record.	(F) List the legal explanation and statutory citation for the denial of access to records in their entirety or with redactions.
Danielle to Consolidation Committee Re: Minutes from the 8-9-2013 IT Title Consolidation Meeting 2 pages	Requirement: N/A Disposition Schedule: N/A	with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	made only to delete meeting minutes of a non-public committee.		1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from A. Gatto to G. Greco Re: Accomplishments 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions at non-public committee.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from A. Gatto to D. Paolini, L. Schulman, C. Chafsky Re: Selective Certification Interviews 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from S. Pagano to A. Gatto Re: CSC Staff 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided on September 3, 2014 (37 days after receiving OPRA request)	N/A	N/A	N/A
Email from A. Sotimehin to D. Burdge, M. Hill, A. Gatto Re: Workweek Issue for	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided on September 3, 2014 (37 days after receiving OPRA request)	N/A	N/A	N/A

(A) List of all records responsive to Complainant's OPRA request (include the number of pages for each record).	(B) List the Records Retention Requirement and Disposition Schedule for each records responsive to the Complainant's OPRA request	(C) List of all records provided to Complainant, in their entirety or with redactions (include the date such records were provided).	(D) If records were disclosed with redactions, give a general nature description of the redactions.	(E) If records were denied in their entirety, give a general nature description of the record.	(F) List the legal explanation and statutory citation for the denial of access to records in their entirety or with redactions.
Technician MIS 3 pages					
Email from D. Chisholm to Consolidation Committee Re: IT Title Consolidation Committee, Administrative Analyst, Information System Series 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from S. Pagano to A. Gatto cc: L. Schulman Re: CSC Agenda Items 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from A. Gatto to R. Luccarelli Re: List of Duties 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from S. Pagano to G. Broeker Re: Heads Up 3 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from A.	Records Retention	Email provided	Redactions were	N/A	N.J.S.A. 47:1A-

(A) List of all records responsive to Complainant's OPRA request (include the number of pages for each record).	(B) List the Records Retention Requirement and Disposition Schedule for each records responsive to the Complainant's OPRA request	(C) List of all records provided to Complainant, in their entirety or with redactions (include the date such records were provided).	(D) If records were disclosed with redactions, give a general nature description of the redactions.	(E) If records were denied in their entirety, give a general nature description of the record.	(F) List the legal explanation and statutory citation for the denial of access to records in their entirety or with redactions.
Gatto to A. Sotimehin, D. Chisholm Re: Selective Certification 7 page	Requirement: N/A Disposition Schedule: N/A	with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	made only to delete discussions of unapproved, proposed job specifications.		1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from D. Ianni to A.Gatto Re: Title Consolidation 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from D. Paolini to A. Gatto Re: Administrative Assistant 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from D. Chisholm to Consolidation Committee Re: Modification of Experience Requirement for the Administrative Analyst Data Processing series 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications in body of email and attachments.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from D. Chisholm to Consolidation Committee Re: Rescheduling	Records Retention Requirement: N/A Disposition Schedule:	Email provided with redactions due to confidential nature of email on September 3, 2014	Redactions were made only to delete discussions of unapproved,	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory,

(A) List of all records responsive to Complainant's OPRA request (include the number of pages for each record).	(B) List the Records Retention Requirement and Disposition Schedule for each records responsive to the Complainant's OPRA request	(C) List of all records provided to Complainant, in their <u>entirety</u> or <u>with redactions</u> (include the <u>date</u> such records were provided).	(D) If records were disclosed with redactions, give a general nature description of the redactions.	(E) If records were denied in their entirety, give a general nature description of the record.	(F) List the legal explanation and statutory citation for the denial of access to records in their <u>entirety</u> or <u>with redactions</u> .
of the June 21 st IT Title Consolidation Meeting 2 pages	N/A	(37 days after receiving OPRA request)	proposed job specifications.		consultative or deliberative material
Email from A. Gatto to D. Surro Re: Title Consolidation and CSC Issues 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from A. Gatto to G. Broeker Re: Information Security 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from A. Gatto to A. Sotimehin Re: IT Consolidation Meeting 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided on September 3, 2014 (37 days after receiving OPRA request)	N/A	N/A	N/A
Email from A. Gatto to L. Schulman Re: title -NA2 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material N.J.S.A. 47:1A-10 Personnel and pension records

(A) List of all records responsive to Complainant's OPRA request (include the number of pages for each record).	(B) List the Records Retention Requirement and Disposition Schedule for each records responsive to the Complainant's OPRA request	(C) List of all records provided to Complainant, in their <u>entirety</u> or <u>with redactions</u> (include the <u>date</u> such records were provided).	(D) If records were disclosed with redactions, give a general nature description of the redactions.	(E) If records were denied in their entirety, give a general nature description of the record.	(F) List the legal explanation and statutory citation for the denial of access to records in their <u>entirety</u> or <u>with redactions</u> .
Email from A. Gatto to H. Hottmann Re: Challenges – Technician MIS and Technical Support Specialist 11 pages	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from A. Gatto to S. Pagano cc: L. Schulman Re: Lateral Movements 1 pages	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material N.J.S.A. 47:1A-10 Personnel and pension records
Email from A. Gatto to J. King Re: Fw: TSA1 Title 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material N.J.S.A. 47:1A-10 Personnel and pension records
Email from S. Pagano to A. Gatto, D. Surro Re: SIT Title 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative

(A) List of all records responsive to Complainant's OPRA request (include the number of pages for each record).	(B) List the Records Retention Requirement and Disposition Schedule for each records responsive to the Complainant's OPRA request	(C) List of all records provided to Complainant, in their <u>entirety</u> or <u>with redactions</u> (include the <u>date</u> such records were provided).	(D) If records were disclosed with redactions, give a general nature description of the redactions.	(E) If records were denied in their entirety, give a general nature description of the record.	(F) List the legal explanation and statutory citation for the denial of access to records in their <u>entirety</u> or <u>with redactions</u> .
		request)			material N.J.S.A. 47:1A-10 Personnel and pension records
Email from D. Chisholm to A. Gatto Re: IT Title Consolidation Committee 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided on September 3, 2014 (37 days after receiving OPRA request)	N/A	N/A	N/A
Email from S. Balducci to A. Gatto cc: J. Vetter Re: IT Title Consolidation Committee 3 pages	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from A. Gatto to S. Emanuel cc: G. Broeker, S. Pagano Re: Update on CSC matters 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from A. Gatto to D. Burdge Re: Workweek Issue	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided on September 3, 2014 (37 days after receiving OPRA request)	N/A	N/A	N/A
Email from A.	Records Retention	Email provided	Redactions were	N/A	N.J.S.A. 47:1A-

(A) List of all records responsive to Complainant's OPRA request (include the number of pages for each record).	(B) List the Records Retention Requirement and Disposition Schedule for each records responsive to the Complainant's OPRA request	(C) List of all records provided to Complainant, in their <u>entirety</u> or <u>with redactions</u> (include the <u>date</u> such records were provided).	(D) If records were disclosed with redactions, give a general nature description of the redactions.	(E) If records were denied in their entirety, give a general nature description of the record.	(F) List the legal explanation and statutory citation for the denial of access to records in their <u>entirety</u> or <u>with redactions</u> .
Gatto to D. Paolini cc: G. Broeker, S. Pagano Re: Redacted 2 pages	Requirement: N/A Disposition Schedule: N/A	with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	made only to delete discussions of unapproved, proposed job specifications.		1.1 Inter-agency or intra-agency advisory, consultative or deliberative material N.J.S.A. 47:1A-10 Personnel and pension records
Email from A. Gatto to L. Schulman Re: Technician MIS and Technical Support Specialist 2 pages	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from D. Chisholm to Title Consolidation Committee Re: Minutes from 3-22-2013 IT Title Consolidation Meeting 2 pages	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from A. Gatto to L. Schulman Re: March 2013 Issue of Straight from the Treasurer 2 pages	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material

(A) List of all records responsive to Complainant's OPRA request (include the number of pages for each record).	(B) List the Records Retention Requirement and Disposition Schedule for each records responsive to the Complainant's OPRA request	(C) List of all records provided to Complainant, in their <u>entirety</u> or <u>with redactions</u> (include the <u>date</u> such records were provided).	(D) If records were disclosed with redactions, give a general nature description of the redactions.	(E) If records were denied in their entirety, give a general nature description of the record.	(F) List the legal explanation and statutory citation for the denial of access to records in their <u>entirety</u> or <u>with redactions</u> .
Email from D. Chisholm to Title Consolidation Committee Re: Minutes from 2-22-2013 Meeting 3 pages	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from A. Sotimehin to A. Gatto Re: Title Consolidation 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request).	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from A. Gatto to R. Reinert Re: Project Manager Data Processing job analysis 2 pages	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from G. Broeker to A. Gatto Re: IT Title Consolidation 4 pages	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material
Email from A. Gatto to G. Alpert, R. Brown Re: DOH Staffing MOU 1 page	Records Retention Requirement: N/A Disposition Schedule: N/A	Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA	Redactions were made only to delete discussions of unapproved, proposed job specifications.	N/A	N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative

(A) List of all records responsive to Complainant's OPRA request (include the number of pages for each record).	(B) List the Records Retention Requirement and Disposition Schedule for each records responsive to the Complainant's OPRA request	(C) List of all records provided to Complainant, in their entirety or with redactions (include the date such records were provided).	(D) If records were disclosed with redactions, give a general nature description of the redactions.	(E) If records were denied in their entirety, give a general nature description of the record.	(F) List the legal explanation and statutory citation for the denial of access to records in their entirety or with redactions.
<p>Email from A. Gatto to N. Shikevich</p> <p>Re: FW: Minutes from the 12-6-2012 meeting</p> <p>1 page</p>	<p>Records Retention Requirement: N/A</p> <p>Disposition Schedule: N/A</p>	<p>request)</p> <p>Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)</p>	<p>Redactions were made only to delete discussions of unapproved, proposed job specifications.</p>	<p>N/A</p>	<p>material</p> <p>N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material</p>
<p>Email from L. Schulman to C. Chalofsky, T. Tarrent cc: C. Brown, H. Felsheim, G. Gatto, S. Pagano</p> <p>Re: FW: Title Consolidation-Software Development Specialist</p> <p>5 pages</p>	<p>Records Retention Requirement: N/A</p> <p>Disposition Schedule: N/A</p>	<p>Email provided on September 3, 2014 (37 days after receiving OPRA request)</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>
<p>Email from A. Gatto to S. Pagano</p> <p>Re: Redacted</p> <p>2 pages</p>	<p>Records Retention Requirement: N/A</p> <p>Disposition Schedule: N/A</p>	<p>Email provided with redactions due to confidential nature of email on September 3, 2014 (37 days after receiving OPRA request)</p>	<p>Redactions were made only to delete discussions of unapproved, proposed job specifications.</p>	<p>N/A</p>	<p>N.J.S.A. 47:1A-1.1 Inter-agency or intra-agency advisory, consultative or deliberative material</p>