

North Jersey Media Group

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April 18, 2016

VIA EMAIL: pafoi@panynj.gov

William Shalewitz
FOI Administrator
4 World Trade Center, 18th Floor
150 Greenwich Street
New York, NY 10007

Dear Mr. Shalewitz:

I am in-house counsel to North Jersey Media Group, publisher of *The Record*. This letter concerns the Port Authority's response to *Record* reporter Paul Berger's March 14th, 2016 OPRA request ("OPRA request"), Freedom of Information Reference No. 16772. The OPRA request sought:

- 1) All correspondence (including but not limited to email, written correspondence, memos, notes and SMS messages) by or to Renee Spann from 3/11/15 to 3/11/16 that contain any of the following terms: "Quiet", "Visual", "VIS", "RY19", "NEPA", "Teterboro Airport Noise Abatement Advisory Committee", "TANAAC", and/or "categorical exclusion."

On March 18th, 2016, the Port Authority responded by rejecting the OPRA request because it "does not provide enough detail and clarity to process as currently written." Specifically, the Port Authority claimed "the request does not provide a subject matter, nor does it identify senders/recipients." The Port Authority then requested that Mr. Berger "provide a subject matter and the senders/recipients to the correspondence and email messages."

We respectfully disagree with the Port Authority's stance that the request does not provide sufficient detail and clarity. The request provides a sender ("Renee Spann"), a recipient ("Renee Spann"), and subject matter (the various keyword search terms provided in the request).

It is clearly established that a proper OPRA request for correspondence requires:

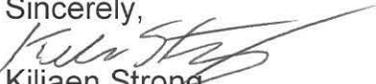
1. the content and/or subject of the correspondence,

2. the specific date or range of dates during which the correspondence was transmitted, and
3. the identify of the sender and/or the recipient thereof.

Elcavage v West Milford Twp, GRC Complaint No. 2009-07 (April 2010), see also Armenti v. Robbinsville Bd. of Educ., GRC Complaint No. 2009-154 (Interim Order dated May 24, 2011) (applying the Elcavage test to letter correspondence), see also Burke v. Brandes, 429 N.J. Super. 169, 176-178 (App.Div. 2012) (holding that request for correspondence confined to a discrete and limited subject matter that was clearly and reasonably described with sufficient identifying information was neither vague nor overbroad). The OPRA request provides specific key words that indicate the subject matter and content sought. The OPRA request provides a date range: from March 11, 2015 to March 11, 2016. The OPRA request also states that it seeks correspondence where Renee Spann is either the sender or recipient. Therefore the OPRA request contains all the requisite identifying information and specificity as required by the courts and the GRC.

Accordingly, please process Mr. Berger's OPRA request and produce the requested records.

Sincerely,



Kiliaen Strong

THE PORT AUTHORITY OF NY & NJ

June 27, 2016

FOI Administrator

Mr. Paul Berger
North Jersey Media Group (The Record)
1 Garret Mountain Plaza, P.O. Box 471
Woodland Park, NJ 07424

Re: Appeal of Public Records Access Request No.16772

Dear Mr. Berger:

This is in furtherance of our June 17, 2016 letter transmitting the decision of the Port Authority Freedom of Information Review Board ("FIRB"), in connection with the April 18, 2016 appeal of your March 14, 2016 Public Records Access request.

The FIRB determined the matter required further development and remanded the request to the Office of the Secretary of the Port Authority ("OSEC") for reprocessing within (10) days.

In accordance with the FIRB's decision and upon further review, a search will be conducted for all correspondence by or to Renee Spann from 3/11/15 to 3/11/16 using the topic "Teterboro Aircraft Noise Abatement Advisory Committee" as the subject matter for responsive documents in compliance with the Port Authority's Public Records Access Policy. The remaining search terms "Quiet", "Visual", "VIS", "RY19", "NEPA", "TANAAC", and/or "Categorical Exclusion" continue to be overly broad and do not provide enough detail and clarity to process as currently written. Please refer to the above Public Records Access reference number in any future correspondence relating to your request.

Very truly yours,



Danny Ng
FOI Administrator

Enclosure

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