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October 30, 2014

Department of Health
P. O. Box 360
Trenton, NJ 08625-0360

Re: OPRA Request

Dear Records Custodian:

This is a request for information pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., and the common law right of citizens of the state to obtain access to public documents. South Jersey Publishing Co. v. New Jersey Expressway Auth., 124 N.J. 478, 487-89 (1991).

This request seeks correspondence regarding government management of the Ebola virus disease (EVD). Please provide copies of the following records made, maintained, kept on file, or received by the New Jersey Department of Health (DOH) from September 1, 2014, to the present.

For the purposes requests 1 2, and 3 below, we are seeking records, that were made, sent or received on or after September 1, 2014, to or from Commissioner O’Dowd, Dr. Christina Tan, Dr. Arturo Brito, Christopher Rinn, Gary Ludwig, and/or DOH staff members assigned to the Ebola Virus Disease Joint Response Team (EVD-JRT).

1. Correspondence, including email, regarding the development of policies regarding the monitoring and management of EVD.
2. Correspondence, including email, regarding the implementation of policies regarding the monitoring and management of EVD.
3. Email containing one of more of the following keywords: “Ebola,” “EVD,” “Quarantine,” “Isolation,” “Screening.”

Additionally, for request 4 below, we are seeking records sent from or received by *any employee of DOH or the EVD-JRT* since September 1, 2014, fitting the following parameters:

4. Correspondence, including email, sent to and/or from any county department of health regarding the implementation of policies regarding the monitoring and management of EVD.


Although OPRA generally requires a custodian of records to grant or deny a request for access "as soon as possible, but not later than seven business days after receiving the request," see N.J.S.A. 47:1A-5(i), given the serious constitutional implications of the government's response to this public health matter, we ask that you provide each record as it becomes available.

If you determine that any portion of the requested materials are exempt from release, please redact only that which you believe is exempt and provide the remaining, non-exempt portions. See N.J.S.A. 47:1A-5(g). Also, please send us the required index detailing the specific exemptions that justify each redaction or withheld document. See Paff v. NJ. Dep't of Labor, 392 N.J. Super. 334, 341 (App. Div. 2007).

I ask that you send these records to me as PDF files by e-mail, which ordinarily are free of charge pursuant to OPRA. See N.J.S.A. 47:1A-5(b). If the cost of copies for this request does not exceed \$25, proceed without further approval and send an invoice with the records. Otherwise, if you feel that unusual circumstances warrant an additional special charge for providing the particular items in my request, please advise me of the costs beforehand so that we can discuss arrangements.

Thank you for your attention to this matter and for your assistance. If you have any questions, please feel free to contact me at 973-854-1715 or jlocicero@aclu-nj.org.

Sincerely,


Jeanne LoCicero
Deputy Legal Director