



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 26, 2011

Ms. Teresa A. Lane
Freedom of Information Officer
McHenry Community High School District 156
4716 W. Crystal Lake Road
McHenry, Illinois 60050

RE: FOIA Pre-Authorization Request - 2011 PAC 14074

Dear Ms. Lane:

We have received and reviewed the written notice from McHenry Community High School District 156 (School District) of its intention to deny disclosure of certain information pursuant to section 7(1)(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(c) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010).

On May 5, 2011, [REDACTED] submitted a FOIA request for all personnel records for a specific employee of the School District. In its written notice, the School District asserts that the employee's grade transcripts and letters of recommendation, as contained in his personnel file, are exempt from disclosure under section 7(1)(c) of FOIA.

Section 7(1)(c) of FOIA exempts from inspection and copying "[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information." The exemption defines "unwarranted invasion of personal privacy" as "the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information." 5 ILCS 140/7(1)(c) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010.

DETERMINATION

The School District's use of the exemption in section 7(1)(c) to withhold the grade transcripts and recommendation letters is **approved**. We conclude that release of these records would constitute a clearly unwarranted invasion of personal privacy. Although transcripts and

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recommendation letters may be considered during the hiring process, these documents contain highly personal information and have no bearing on the employee's current performance of his public duties. The release of the grade transcripts and recommendation letters would be objectionable to a reasonable person, and in this instance, the employee's right to privacy outweighs any legitimate public interest in disclosure. Therefore, the School District has met its initial burden of demonstrating that the information it proposes to withhold is exempt under section 7(1)(c).

If you have any questions, please contact me at (312) 814-6437. This correspondence shall serve to close this matter.

Very truly yours,



TOLA SOBITAN
Assistant Attorney General
Public Access Bureau

cc:



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