



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 24, 2011

Ms. Christina Sayles
FOIA Officer
Southern Illinois University Carbondale
Budget Office
Mail Code 4313
Carbondale, IL 62901

RE: FOIA Pre-Authorization Request - 2011 PAC 14195

Dear Ms. Sayles:

We have received and reviewed the written notice from Southern Illinois University Carbondale of its intention to deny certain information as exempt from disclosure under 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). The University is seeking to redact names of prospective students from the requested documents.

Ms. Jamie L. Sutton of MyEdu submitted a FOIA request for a "physical mailing list for the accepted students to SIUC for the fall 2011 academic semester" on April 18, 2011. In its written notice, the University argues that names of admitted students should be 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.

Ms. Christina Sayles
May 24, 2011
Page 2

DETERMINATION

The University's use of the exemption in section 7(1)(c) to withhold the names of admitted students is **denied**. We have determined that the University has not met its initial burden of demonstrating that the disclosure of names of admitted students would constitute a clearly unwarranted invasion of personal privacy. The section 7(1)(c) exemption is intended to allow public bodies to withhold "confidential" or "private" information, not information that merely identifies someone. *See, e.g., Lieber v. Board of Trustees of Southern Illinois University*, 176 Ill.2d 401, 412 (1997) (holding the exemption in FOIA for "personal information" "must have been intended by the legislature to be understood not in the sense of basic identification, but in the sense of information that is 'confidential' or 'private'"). Therefore, the University may not withhold the names of prospective students from the requester.

If you have any questions, please contact our office at (877) 299-3642. This correspondence shall serve to close this matter.

Very truly yours,



REBECCA RIDDICK
Assistant Attorney General
Public Access Bureau

cc: Ms. Jamie Sutton
Director, Campus Programs
MyEdu Corporation
1301 S. MoPac Expwy, Suite 250
Austin, TX 72746

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