



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 3, 2011

Via Electronic Mail

Ms. Jane Bolger
Administrative Assistant to the Superintendent
Lake Zurich Community Unit School District 95
Jane.bolger@iz95.org

RE: FOIA Pre-Authorization Request – 2011 PAC 14281

Dear Ms. Bolger:

We have received and reviewed the written notice from the Lake Zurich Community Unit School District 95 (District) of its intention to deny disclosure of certain information 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). Specifically, the District seeks pre-authorization to withhold the names and addresses of parents in the District who were sent drug testing surveys in February 2010.

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. On May 19, 2011, [REDACTED] submitted a FOIA request to the District seeking the names and e-mail addresses of parents who were sent drug testing surveys by the District.

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DETERMINATION

The District's use of the exemption in section 7(1)(c) to withhold the records is **approved**. The Illinois Supreme Court has concluded that there exists no right of privacy with regard to the disclosure of an individual's name. *Lieber v. Board of Trustees of Southern Illinois University*, 176 Ill.2d 401, 412 (1997). This Office did conclude, however, that there exist certain situations where the right of privacy of the citizen outweighs the public interest in obtaining the information. *See* 2010 PAC 6546 (Ill. Att'y Gen. PAC Pre-Auth. al dl6546, issued June 16, 2010). This Office has also concluded that a school district may redact the name of a parent who offered suggestions and opinions to the District about a particular matter. *See* 2010 PAC 5777, 7128 (Ill. Att'y Gen. PAC Pre-Auth. al dl5777, 7128 issued July 1, 2010).

Similar to our reasoning in Ill. Att'y Gen. PAC Pre-Auth. al dl5777, 7128, we conclude that there exists an expectation of privacy as to the names of parents who were sent these surveys and that this interest outweighs the public interest in disclosure.

As a result, we conclude that the District has met its initial burden pursuant to section 7(1)(c) and may withhold the names and e-mail addresses of parents who were sent surveys.¹ If you have any questions, you may contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Very truly yours



MATTHEW C. ROGINA
Assistant Attorney General
Public Access Bureau

cc:


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¹ Please be advised that *private* e-mail addresses are exempt from disclosure pursuant to section 7(1)(b) of FOIA (5 ILCS 140/7(1)(b) (West 2009 Supp.)), as amended by Public Act 96-1378, effective July 29, 2010).