



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 17, 2010

Ms. Terri Stahulak
FOIA Officer
Community Consolidated School District 146
Administration Center
6611 W. 171st St.
Tinley Park, IL 60477-3514

RE: FOIA Pre-authorization Request– 2010 PAC 6177

Dear Ms. Stahulak:

We have received and reviewed the written notice from Community Consolidated School District 146 (District 146) of its intention to deny portions of [REDACTED] Freedom of Information Act (FOIA) request for the complete personnel file of former Sandidge School Principal Rosemary Bova Woods. District 146 has indicated that it intends to withhold all portions of Ms. Bova Woods's personnel file (including her personnel evaluations), other than her employment contract and multi-year retirement contract, pursuant to Section 7(1)(c) of FOIA.

Determination

First, with respect to District 146's proposed withholding of Ms. Bova Woods's performance evaluations, it is not necessary to determine whether such records are exempt from disclosure under Section 7(1)(c). Section 7(1)(a) exempts from inspection and copying "information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law." Section 24A-7.1 of the Illinois School Code expressly prohibits "disclosure of public school teacher, principal, and superintendent performance evaluations." As such, we have determined that District 146 may properly withhold Ms. Bova Woods's performance evaluations in its response to Requester's FOIA request.

With respect to any additional documents that may be contained in Ms. Bova Woods's personnel file, other than her personnel evaluations and the employment contract and

multi-year retirement contract that District 146 intends to release, we have determined that District 146 has not met its burden of demonstrating that Section 7(1)(c) exempts any remaining responsive records from disclosure. Section 7(1)(c) of FOIA permits a public body to withhold “[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.” That provision further defines an “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.” It also provides that “[t]he disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.” Public employee personnel records clearly relate to the public duties of public employees and, therefore, disclosure of these documents would not represent an “unwarranted invasion of personal property”, for purposes of Section 7(1)(c). Prior to their release, however, the District may redact any “private information,” as defined in Section 2(c-5) of FOIA (5 ILCS 140/2(c-5), from the requested documents.

If you have any questions, please feel free to contact me at (217) 782-9078. This letter shall serve to close this file.

Sincerely,

Cara Smith
Public Access Counselor

By 

Matthew M. Sebek
Assistant Attorney General, Public Access Division

cc: 