



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

June 29, 2011

Ms. Teresa Lane  
FOIA Officer  
Board of Education of McHenry  
Community High School District No. 156  
4716 W. Crystal Lake Rd.  
McHenry, IL 60050

RE: FOIA Pre-Authorization Request - 2011 PAC 14379

Dear Ms. Lane:

We have received and reviewed the written notice from the Board of Education of McHenry Community High School District No. 156 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). The Board is seeking to withhold educational transcript information and recommendation letters from the requested documents.

On May 16, 2011, [REDACTED] submitted a FOIA request for "the complete personnel file with all records contained therein of [REDACTED]". In its written notice, the Board asserts that records containing [REDACTED] undergraduate and graduate grade transcripts, grade point averages, and letters of recommendation are exempt from disclosure under section 7(1)(c) of FOIA, which 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."

The Board asserts that the release of educational transcripts and grade point averages would constitute an unwarranted invasion of [REDACTED] personal privacy. The Board further argues that because recommendation letters were intended by their drafters to only be

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seen in the context of whether to consider [REDACTED] for employment, their disclosure would constitute an invasion of the authors' personal privacy under section 7(1)(c)..

### DETERMINATION

The Board's use of section 7(1)(c) to withhold or redact [REDACTED] educational transcripts and grade point averages is approved. These records do not bear directly on [REDACTED] performance of his duties as a public employee, and their release would be highly personal or objectionable to a reasonable person. *See* Ill. Att'y Gen. PAC Pre-Auth. A16398, issued June 24, 2010. As a result, the Board has met its initial burden to withhold Mr. Wolk's educational transcripts and grade point averages under section 7(1)(c).

With respect to third-party letters of recommendation, the Board argues that the privacy of the letter writers requires protection under section 7(1)(c). A letter of recommendation, however, addresses the qualifications of another individual. Therefore, the letter writers do not have a personal privacy interest in the contents of the letter. However, we conclude that the Board may withhold the letters of recommendation under section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010), which exempts from inspection and copying "[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body." The letters of recommendation contain opinions and recommendations of the writer and are, therefore, exempt under section 7(1)(f).

Accordingly, if it has not already done so the Board may issue a partial denial letter and release the requested documents with [REDACTED] grade point averages redacted and his transcripts and letters of recommendation withheld.

If you have any questions, please contact me at (312) 814-8413. This correspondence shall serve to close this matter.

Very truly yours,

[REDACTED]  
REBECCA RIDDICK  
Assistant Attorney General  
Public Access Bureau

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cc: [REDACTED]