

OFFICE OF THE ATTORNEY GENERAL STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 28, 2011

Via Electronic Mail
Mr. David Elson
Superintendent, Freedom of Information Act Officer
Alton Community Unit School District No. 11
delson@altonschools.org

RE: FOIA Pre-Authorization Request – 2010 PAC 9870

Dear Mr. Elson:

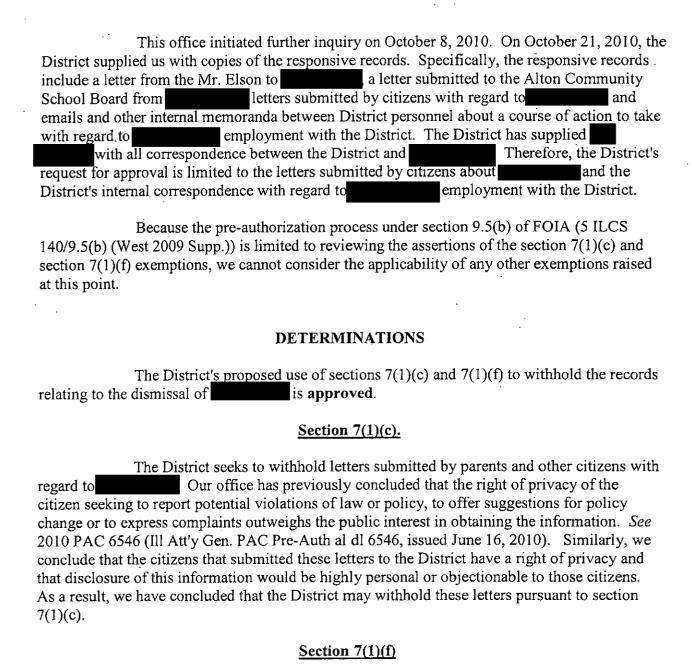
We have received and reviewed the written notice from Alton Community Unit School District No. 11 (District) of its intention to deny disclosure of certain information pursuant to sections 7(1)(c) and 7(1)(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(c), (f) (West 2009 Supp.).

On July 18, 2010, submitted a FOIA request to the District seeking records relating to the District's investigation, discipline and eventual dismissal of Mr. Bennett as the head basketball coach at Alton High School.

On August 2, 2010, the District submitted a Pre-Authorization Request to the Office of the Public Access Counselor and sought our approval to withhold the records responsive to the request 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 District also sought our approval to withhold other information contained in the records pursuant to section 7(1)(f) of FOIA, which exempts from inspection and copying "preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated[.]"

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The District seeks to withhold emails and other internal memoranda between District personnel about employment. Based on our review of the records, we have determined that the records contain opinions and recommendations by District personnel about a proposed course of action with regard to employment with the District, and

properly fall within the provisions of section 7(1)(f).

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Accordingly, we conclude that the District has met its burden with regard to its use of the section 7(1)(c) and section 7(1)(f) exemptions and may withhold the remaining responsive records. If you have any questions, you may contact me at (312) 814-5383. This correspondence shall serve close this matter.

Very truly yours,

MATTHEW C. ROGINA Assistant Attorney General Public Access Bureau

9870 pre-auth al 71c 71f sd

cc: