

OFFICE OF THE ATTORNEY GENERAL STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 5, 2010

Dr. James E. Stelter
Associate Superintendent
Bensenville Elementary School District #2
210 S. Church Rd.
Bensenville, IL 60106

RE: FOIA Pre-approval Request – No. 6485

Dear Dr. Stelter:

On March 29, 2010, we received from Bensenville Elementary School District #2 a written request for approval of its intent to assert the Section 7(1)(c) exemption in response to a Freedom of Information Act request received from dated March 23, 2010.

request sought disclosure of documents pursuant to which the district has "been notified, or by which [the District] know[s] or now believe[s] that a female teacher, who is currently on maternity leave, will be or [] has requested or demanded to return to work from said maternity leave."

Section 7(1)(c) of the Freedom of Information Act 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."

In response to the FOIA request, the District has stated that there are no teachers currently on maternity leave. With respect to teachers who may have advised the District of their intent to take maternity leave, information concerning that individual's pregnancy status and the attendant health and medical impacts of that status on the individual's job is highly personal, as is the individual's intentions with regard to decisions to return to work. The release of such information would be objectionable to a reasonable person, and the subjects' rights to privacy outweigh any public interest in the release of such information. Accordingly, as a result of our review, we have determined that Bensenville Elementary School District #2 may properly

decline to disclose under subsection 7(1)(c) correspondence received from teachers relating to their intent to take maternity leave. The request to assert the exemption under Section 7(1)(c) is hereby approved with regard to the responsive notices and communications the District has received from employees in relation to pregnancy and maternity leave.

If you have any questions, please feel free to contact me at (217) 785-7438. This letter shall serve to close this file.

Sincerely,

Cara Smith
Public Access Counselor

By: amanda bundeen up-

Amanda M. Lundeen
Assistant Public Access Counselor

cc: