



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 14, 2010

John Costello
Freedom of Information Officer
Illinois Attorney General
500 South Second Street
Springfield, Illinois 62706

RE: Request for Preauthorization - 2010 PAC 7154

Dear Mr. Costello:

The Public Access Counselor's Office has received and reviewed a written notice from the Office of the Attorney General (OAG) of its intent to deny the release of certain information as exempt from disclosure under sections 7(1)(c) and 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

██████████ submitted a request seeking all FOIA requests received by the OAG from January 1, 2010, through March 31, 2010. In its written notice, the OAG asserts that requesters' names and addresses are personal information protected from disclosure under Section 7(1)(c). The OAG also proposes to redact pursuant to Section 7(1)(c) one document containing the names of persons who were the subject of a criminal investigation but were never charged. Finally, the OAG also seeks to withhold under Section 7(1)(f) one document containing e-mail communications among OAG staff members. OAG asserts that the email contains the expression of opinions by staff members as part of an effort to formulate a police or decide a course of action.

Determinations

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 disclosure is consented to in writing by the individual subjects of the information." 5 ILCS 140/7(1)(c). The exemption defines "[u]nwarranted 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." *Id.*

The OAG's use of the exemption in Section 7(1)(c) with regard to requesters' names and addresses is approved. We have determined that the disclosure of this information would be

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highly objectionable to a reasonable person. The subjects' right to privacy in this type of information outweighs any legitimate public interest in obtaining this information. The disclosure of this information would constitute a clearly unwarranted invasion of personal privacy. 5 ILCS 140/7(1)(c).

In addition, the OAG's request to redact the names of individuals who were the subject of a criminal investigation but were never charged is approved. The disclosure of the identities of individuals who were never charged with any wrongdoing would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c) and the individuals' right to privacy outweighs any legitimate public interest in this information.

Section 7(1)(f) allows withholding of:

[p]reliminary drafts, notes, recommendations, memoranda or other documents in which opinions are expressed, or policies or actions are 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.

5 ILCS 140/7(1)(f). The OAG's use of the Section 7(1)(f) exemption with regard to e-mail communications among OAG staff that express opinions as part of an effort to formulate a policy or decide a course of action is approved. Such e-mail communications fall within the definition of 7(1)(f).

If you have any questions, you may contact me directly at (312) 814-5206. This letter shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: /


Amanda Kioja
Chief Deputy Public Access Counselor

cc:

