



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

September 8, 2010

Curt Richardson  
Miller, Hall & Triggs, LLC  
416 Main Street  
Suite 1125  
Peoria, Illinois 61602-1161

RE: Pre-Authorization Request – 2010 PAC 7531

Dear Mr. Richardson:

We have received and reviewed the written notice from the McLean County Unit School District No. 5 ('School District') of its intention to deny disclosure of a certain video pursuant to Section 7(1)(c) of the Freedom of Information Act ('FOIA'). 5 ILCS 140/7(1)(c).

On May 20, 2010, Ms. Kristen Hamilton sent a FOIA request to the District seeking a copy of the video "relating to the death of [REDACTED] at Kingsley Jr. High School." In its written notice, the School District asserts that the video is exempt from disclosure in its entirety under Section 7(1)(c) of FOIA because it contains personal information that would constitute a clearly unwarranted invasion of personal privacy if disclosed.

**Determination**

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." 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." *Id.*

The School District's request for pre-approval to use the Section 7(1)(c) exemption to withhold the requested video in its entirety is **denied**. The requested video reveals nothing more than the physical appearance of several students who were present and may have witnessed [REDACTED] collapse at Kingsley Jr. High School. The tape does not reveal the identities of the students who were present, or disclose any information about those students that might otherwise be protected by State law. Absent a showing that the disclosure of the tape would reveal

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information about those present that is highly personal or which would be objectionable to a reasonable person, the School District has failed to meet its burden of demonstrating that the video is exempt from disclosure in its entirety under Section 7(1)(c) of FOIA.

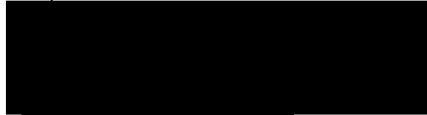
Please note that this letter does not express an opinion or provide advice as to the applicability of any exemptions to the requested video other than Section 7(1)(c) of FOIA.

If you have any questions, please feel free to contact me at (312) 814-6437. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith  
Public Access Counselor

By:



Tola Adewola  
Assistant Public Access Counselor

cc: Kristen Hamilton  
WMBD-TV Peoria  
3131 North University Street  
Peoria, IL 61604