



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 23, 2010

Veronica Dzhafarov
Legal Department Administrator
Illinois Housing Development Authority
401 N. Michigan Avenue
Chicago, Illinois 60611

RE: Pre-Authorization Request – 2010 PAC 7628

Dear Ms. Dzhafarov:

Thank you for providing the additional information we requested on June 2, 2010 in response to a written notice from the Illinois Housing Development Authority (IHDA) of its intention to deny certain records sought by [REDACTED] as exempt from disclosure under Sections 7(1)(c) and 7(1)(f) of the Freedom of Information Act. 5 ILCS 140/1 *et seq.*, as amended (FOIA).

Pursuant to 5 ILCS 140/9.5(b), we asked that IHDA provide us with a copy of the responsive documents it intends to withhold from disclosure under Sections 7(1)(c) and 7(1)(f) of FOIA, indicating whether it seeks to partially or totally deny disclosure of each document.

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.*

Section 7(1)(f) of FOIA exempts from disclosure records that constitute “[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated, except that a specific 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).

Determinations

First, we have determined that the tax identification numbers, checking account numbers, individuals’ addresses and employment identification numbers IHDA intends to redact are

considered "private information" and are exempt from disclosure under Section 7(1)(b) of FOIA. "Private information" means unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person." 5 ILCS 140/2(c-5).

Use of this exemption to partially deny disclosure of public records does not require preapproval from our Office.

Second, IHDA's proposed use of the exemption found in Section 7(1)(c) of FOIA to deny disclosure of the names of tenants of the property is approved. Disclosure of this information would be objectionable to a reasonable person and the subjects' right to privacy outweighs any legitimate public interest in obtaining the information. Thus, disclosure of this information would constitute a clearly unwarranted invasion of personal privacy.

Third, IHDA's proposed use of the exemption found in Section 7(1)(f) of FOIA to deny disclosure of internal application review forms approved. We have reviewed the documents provided by IHDA and have determined that they are pre-decisional documents which contain the opinions and recommendations of the loan officers. Thus, these documents are exempt from disclosure under Section 7(1)(f) of FOIA.

Accordingly, IHDA's issuance of a partial denial letter and the partial release of the requested records to [REDACTED] were appropriate.

If you have any questions, please feel free to contact me at (312) 814-1003. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: [REDACTED]

Jessica O'Leary
Assistant Attorney General

cc: [REDACTED]