



**OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS**

Lisa Madigan  
ATTORNEY GENERAL

September 16, 2010

Mr. James Garwood  
FOIA Officer  
Community Consolidated School District #15  
Joseph M. Kiszka Educational Service Center  
580 N. 1<sup>st</sup> Bank Dr.  
Palatine, IL 60067

RE: FOIA Pre-approval Request – 2010 PAC 8365, 9571

Dear Mr. Garwood:

On July 8, 2010, we received from Community Consolidated School District #15 a written request for approval of its intention to assert the Section 7(1)(c) exemption in response to a Freedom of Information Act (FOIA) request received from [REDACTED] dated July 1, 2010 seeking a copy of the separation agreement executed between the District and [REDACTED]. On September 13, 2010, we received from the District a second request for approval of its assertion of the Section 7(1)(c) exemption in response to a September 3, 2010 FOIA request from [REDACTED] seeking the same information. The District has indicated its intention to redact portions of Mr. Lukich's separation agreement as exempt under Section 7(1)(c).

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." However, Section 7(1)(c) further states that the "disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy." 5 ILCS 140/7(1)(c).

We have reviewed the contents of the agreement in question to determine whether its disclosure would properly be considered a "clearly unwarranted invasion of personal privacy." As a result of this review, we have determined that the District may not properly withhold the agreement in question under Section 7(1)(c). The agreement does not contain any information about Mr. Lukich that would be considered highly personal. Rather, the terms of the agreement address various aspects of his role as a public employee, state the conditions under which his working relationship with the District was terminated and imposes restrictions on the nature of his post-

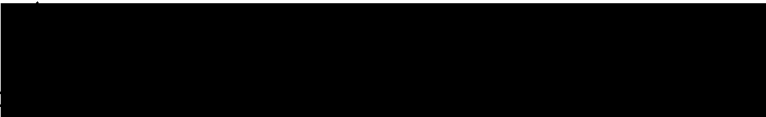
employment relationship with the District. Because the terms of the agreement relate solely to the "public duties of a public employee," the District has failed to meet its burden of demonstrating that the disclosure of the agreement would constitute a "clearly unwarranted invasion of personal privacy under Section 7(1)(c).

If you have any questions, please feel free to contact me at 217-785-7438. This letter will serve to close our file on this matter.

Sincerely,

Cara Smith  
Public Access Counselor

By:

  
Amanda M. Lundeen  
Assistant Public Access Counselor

cc: