



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 21, 2011

Dr. Craig Carter, Superintendent
LaSalle-Peru Township High School District 120
541 Chartres Street
LaSalle, Illinois 61301

RE: Pre-Authorization Request – 2010.PAC 6618

Dear Dr. Carter:

We have received and reviewed the written notice from LaSalle-Peru Township High School District 120 of its intention to withhold certain information as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.*, as amended.

On March 26, 2010, [REDACTED] submitted a FOIA request to the District seeking any and all videos of the incident on March 25, 2010 involving [REDACTED] and Mr. Vickery.”

On April 1, 2010, the District submitted a Pre-Authorization Request with the Office of the Public Access Counselor and asserted that the videotape is exempt from disclosure under Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)) which 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.” 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 video at issue features an altercation between a faculty member and [REDACTED] son in the cafeteria of LaSalle-Peru Township High School. Specifically, the District argues that disclosure of the video would reveal the images of several students present in the cafeteria not involved in the altercation.

Determination

The District's request for approval to withhold the videotape is approved.

We have concluded that the District has met its initial burden to demonstrate that the disclosure of the images of students featured in the video not involved in the altercation would constitute an unwarranted invasion of personal privacy for those students. Further, there exists no legitimate public interest in the disclosure of such images.

We note, however, that in subsequent discussions with this Office, Jim Peters, attorney for the District, has agreed to disclose to [REDACTED] a version of the video that blurs the faces of students not involved in the altercation. The District has indicated that the blurring process could cost approximately \$700. [REDACTED] has agreed to accept a version of the video with the blurred images but objects to the estimated price.

Section 6(a) of FOIA (5 ILCS 140/6(a)) allows a public body to reproduce a document in a specific format and charge the requester for the cost of reproduction of a document in that format. In this instance, the removal of the student images would qualify as a service and not a reproduction. Section 6(b) of FOIA (5 ILCS 140/6(b)) prohibits a public body from incorporating service costs into its reproduction costs.

Because Section 9.5(b) of FOIA (5 ILCS 140/9.5(b)) limits the Pre-Authorization process to determine the applicability of the Section 7(1)(c) or Section 7(1)(f) exemption, we decline to make an explicit finding with regard to the fee issue between the District and [REDACTED]. We do, however, strongly suggest that both [REDACTED] and the District reach an agreement to share the cost of the removal of the student images.

Should you have any questions or concerns, please feel free to contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,

[REDACTED]
Matthew C. Rogina
Assistant Public Access Counselor

Cc: [REDACTED]

Mr. Jim Peters
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