



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

Lisa Madigan
ATTORNEY GENERAL

September 22, 2010

Via E-mail

Lola Dada-Olley
Associate General Counsel
Office of Governor Pat Quinn
State of Illinois
100 W. Randolph, 16th Floor
Chicago, Illinois 60601
Lola.Dada-Olley@Illinois.gov

RE: Pre-authorization Request – 2010 PAC 9517

Dear Ms. Dada-Olley:

We have received and reviewed the written notice from the Office of the Governor of its intention to deny 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.

Deanna Bellandi of the Associated Press requested “emails sent by former chief of staff Jerry Stermer to [Pat Quinn, Thomas Quinn, Elizabeth Austin, John Kupper, John Kamis and Jack Lavin at specified e-mail addresses] since becoming the governor’s chief of staff until he quit August 22, 2010.” The Office of the Governor identified 143 pages of responsive records. In its written notice, the Office of the Governor asserted that it intended to redact portions of certain of the e-mails under sections 7(1)(c) and 7(1)(f).

Section 7(1)(c)

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 disclosure of information that bears on the public duties of public employees is not considered an invasion of personal privacy. *Id.*

The Office of the Governor's use of the exemption in Section 7(1)(c) with regard to personnel decisions relating to applicants who were not hired is approved. The Office of the Governor made very limited redactions relating to personnel decisions on six pages of the 143 pages of responsive records. After reviewing the un-redacted documents, we have determined that the Office of the Governor has met its initial burden to show that the disclosure of the redacted information would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). Information regarding an individual who applied for a position but was not ultimately hired is highly personal and the subject's right to privacy outweighs any legitimate public interest in disclosing this information.

Under Section 7(1)(c), the Office of the Governor also redacted a portion of a single line on one page that referenced a medical test conducted on a particular person. After reviewing the un-redacted document, we have determined that the Office of the Governor has met its initial burden to show that the disclosure of the redacted information would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). Information regarding a person's medical treatment is highly personal and the subject's right to privacy outweighs any legitimate public interest in disclosing this information.

Section 7(1)(f)

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 Office of the Governor's use of the Section 7(1)(f) exemption with regard to the redacted information is approved. Pursuant to Section 7(1)(f), the Office of the Governor made limited redactions on 36 pages of the 143 pages of responsive records. In some instances, the same redacted information appears as part of an email chain attached to multiple emails. As a result, that particular information has been redacted more than once. After reviewing the un-redacted records, we have determined that the Office of the Governor has met its initial burden to show that the redacted information constitutes preliminary drafts, notes, recommendations or other information in which opinions are expressed or policies or actions are formulated and thereby falls within the definition of 7(1)(f).

Ms. Lola Dada-Olley
September 22, 2010
Page 3

If you have any questions, please call me at 312-814-5206. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:



Amanda Koloja
Chief Deputy Public Access Counselor

cc: Deanna Bellandi
dbellandi@ap.org

9517 preauth al 71c 71f priv emp inf notes sa