



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 1, 2010

Kevin B. Gordon
Scariano, Himes and Petrarca
Two Prudential Plaza, Suite 3100
180 North Stetson
Chicago, Illinois 60601-6702

Re: Pre-Authorization Request – 2010 PAC 9737

Dear Mr. Gordon:

We have received and reviewed the written notice from the Illinois Mathematics and Science Academy (Academy) of its intention to deny 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 September 14, 2010, [REDACTED] submitted a FOIA request to the Academy seeking, in part, the following information:

All invited Class of 2013 student applications that selection committee reviews (complete packages) including scores, letters of recommendations (not including deferred [sic] students).

In its written notice, the Academy asserts that, in addition to several other exemptions found in FOIA, the responsive documents are exempt from disclosure under Section 7(1)(c) of FOIA.

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.*

Determination

We have reviewed the copy of the Academy's Application for Admission provided as well as your detailed bases for the application of Section 7(1)(c) of FOIA to deny the completed application submitted by applicants accepted to the Academy's Class of 2013. We have determined that the Academy's proposed application of Section 7(1)(c) to deny disclosure of the responsive documents is approved.

The information provided by the student applicants, their parents, and their teachers, counselors and principals is highly personal information pertaining to minor children. Disclosure of this highly personal information could negatively impact the students' educational experiences as well as irreparably harm the student-parent and student-teacher relationships.

Release of such information regarding minors would be objectionable to a reasonable person, constituting an unwarranted invasion of personal privacy, and thus, the Academy has met its initial burden of demonstrating that these documents are exempt from disclosure under Section 7(1)(c) of FOIA.

Accordingly, the Academy may issue a denial letter to [REDACTED] denying disclosure of the responsive documents.

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]

[REDACTED]
Assistant Attorney General

cc: [REDACTED]