



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 13, 2011

Mark Wancket
FOIA Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777-0001

RE: Pre-Authorization Request — 2011 PAC 12508
Requester: James A. Petrunaro

Dear Mr. Wancket:

We have received and reviewed the written notice from the Illinois State Board of Education (ISBE) of its intention to deny disclosure of certain information pursuant to Sections 7(1)(c) and 7(1)(f) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended. On January 26, 2011, James A. Petrunaro submitted a FOIA request to ISBE seeking records related to Prairie Crossing Charter School. In its written notice, ISBE asserts that one sentence in an email is exempt from disclosure under Section 7(1)(c) and that certain documents are exempt from disclosure under Section 7(1)(f).

Determinations

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 the 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.*

ISBE's use of the exemption in Section 7(1)(c) with regard to the last sentence of the email dated

September 3, 2009, is denied. This information is not highly personal, and disclosure of this information would not be objectionable to a reasonable person. Therefore, we have determined that ISBE has not met its initial burden of showing that this sentence is exempt under Section 7(1)(c).

Section 7(1)(f) of FOIA exempts from inspection and copying "[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 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." *Id.*

ISBE's use of the exemption in Section 7(1)(f) with regard to the withheld documents is approved. Some of these documents are drafts which were subject to revision. The others consist of discussions in which ISBE formulated its policy and actions. ISBE has indicated that these documents have not been publicly cited by the Board Chair or the State Superintendent. Therefore, ISBE has met its initial burden demonstrating that the withheld documents are exempt under Section 7(1)(f).

ISBE may issue a partial denial letter directly to Mr. Petrunaro and release the non-exempt records to him in accordance with this letter. If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

Sarah Kaplan by EK

Sarah Kaplan
Assistant Public Access Counselor

cc: James A. Petrunaro
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