



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 13, 2011

Nancy Valenta
Freedom of Information Officer
Indian Prairie School District
Crouse Education Center
P.O. Box 3990
Naperville, IL 60567

RE: Pre-Authorization Request – 2011 PAC 12816

Dear Ms. Valenta:

We have received the written notice from the Indian Prairie School District of its intention to deny disclosure of certain emails pursuant to the Illinois Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*

Specifically, on March 1, 2011, the School District received a FOIA request from [REDACTED], in which he sought specific records, including “emails outside of District business sent & received last 50 for [REDACTED]” In its written notice, the School District asserts the requested emails are exempt from disclosure under Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)).

Determination

We have determined that it is not necessary to address the District’s Section 7(1)(c) assertion because the requested emails do not constitute public records as defined under FOIA. Section 2(c) of FOIA defines “public records” to mean “all records, reports, forms, writings, letters, memoranda, books, papers, maps, photographs, microfilms, cards, tapes, recordings, electronic data processing records, electronic communications, recorded information and all other documentary materials **pertaining to the transaction of public business**, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of any public body.” 5 ILCS 140/2(c) (emphasis added). Here, the requested emails do not relate to the transaction of the District’s business and thus, are not public records subject to inspection or copying under FOIA.

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If you have any questions, please feel free to contact me at (312) 814-6437. This correspondence shall serve to close this matter.

Sincerely,



Tola Sobitan
Assistant Public Access Counselor

cc:



12816 preauth improper sd.