



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 12, 2011

Ms. Erin M. Hillstrom
FOIA Law Clerk
Chicago Public Schools
125 South Clark Street, 7th FL
Chicago, Illinois 60603

RE: Pre-Authorization Request – 2011 PAC 13355

Dear Ms. Hillstrom:

We have received and reviewed the written notice from Chicago Public Schools (CPS) of its intention to deny disclosure of certain information as exempt from disclosure under the Illinois Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*

Specifically, on March 24, 2011, [REDACTED] submitted a FOIA request to CPS, seeking all records “pertaining to admission test scores and cumulative admission scores of all sixth grade Decatur Classical Students who were administered the test for entry into Chicago’s selective enrollment, regional gifted academic centers at the Decatur school site on or about November 18, 2010.” In its written notice, CPS asserts that the raw scores and cumulative scores of each Decatur student are exempt from disclosure under Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)) because the students can be easily identified from the requested data.

Determination

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.” The exemption defines “unwarranted 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.*

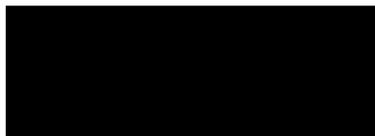
CPS’s use of the Section 7(1)(c) exemption with regards to the raw scores and cumulative scores of the Decatur students is **denied**. We have determined that the requested raw scores and cumulative scores does not reveal private and confidential information about the students. Because the requesters expressly state, in their March 21, 2011 request, that they expect the names and home addresses of the students to be redacted, CPS’s contention that the Decatur students could *likely* be identified from the requested “masked” raw and cumulative scores is not

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sufficient proof of an invasion of privacy. Accordingly, CPS has failed to meet its burden of demonstrating that this information is exempt from disclosure under Section 7(1)(c) of FOIA.

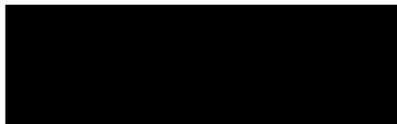
Notably, this letter does not express an opinion or provide advice as to the applicability of any exemptions to the records other than Section 7(1)(c). If you have any questions, please feel free to contact me at (312) 814-6437. This letter shall serve to close this matter.

Sincerely,



Tola Sobitan
Assistant Public Access Counselor

cc:



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