



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 14, 2011

Ms. Cassandra Daniels
FOIA Law Clerk
Chicago Public Schools
125 South Clark Street, 7th FL
Chicago, Illinois 60603

RE: Pre-Authorization Request – 2011 PAC 13358

Dear Ms. Daniels:

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 18, 2011, [REDACTED] submitted a FOIA request to CPS, seeking specific information regarding Stone Scholastic Academy. In its written notice, CPS asserts that the records pertaining to Ms. Fernandez's request for the "number of children in each grade that are labeled EIP" and the "percentage of EIP children who meet or exceed the standard" 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 records.

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 requested EIP data is **denied**. We have determined that the disclosure of this information would not reveal private and confidential information about the students. CPS's contention that the students could *likely* be identified from the requested information is not 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.

April 14, 2011
Page 2

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:



13358 preauth dl 71c priv sd