



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 14, 2011

Renee Schuster, Superintendent
Community Consolidated School District 181
Administration Building
8010 S. Elm Street
Burr Ridge, Illinois 60532

Re: FOIA Pre-Authorization Request 2010.PAC.10677

Dear Superintendent Schuster:

The Office of the Public Access Counselor (Office) has reviewed the Pre-Authorization Request submitted to this Office by the Community Consolidated School District 181 (District) and the responsive documents submitted by the District.

On October 19, 2010, [REDACTED] submitted an eleven-part Freedom of Information Act (FOIA) request to the District seeking various information about certain District policies, the District calendar and events.

On November 2, 2010 the District submitted a Pre-Authorization Request to this Office. In the Request, the District sought our approval to redact certain information from disclosure pursuant to Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)) which 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." *Id.* 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.* The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of privacy. *Id.*

The District also sought our approval to withhold several e-mails and draft documents pursuant to Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)) which exempts from inspection and copying "preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies 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.”

This Office initiated further inquiry into the matter on January 3, 2011 and the District fully responded to our request on January 21, 2011.

Analysis and Determinations

The District’s request for approval to withhold e-mails and drafts pursuant to Section 7(1)(f) is approved. The District’s request for approval to redact certain names pursuant to Section 7(1)(c) is approved.

Section 7(1)(f)

The District seeks to withhold emails sent by District personnel about Policy No. 6:20 together with several draft documents about the District calendar. The Section 7(1)(f) exemption is intended to encourage government officials to openly and frankly discuss matters of governmental concern in order to make informed policy decisions. See *N.L.R.B. v. Sears*, 421 U.S. 132 (1975), *Hoffman v. Ill. Dept. of Corrections*, 158 Ill.App.3d 473, 511 N.E.2d 759 (1st Dist. 1987).

Upon review of these e-mails, we conclude that they are opinions and recommendations by District personnel about certain policies and procedures, specifically, Policy No. 6:20. We also conclude that the drafts of memoranda with regard to the District calendar are preliminary and may be withheld pursuant to Section 7(1)(f). The District must disclose all final documents to Ms. Kleber if such documents have already been generated.

Section 7(1)(c)

The District seeks to redact the names of parents contained in e-mails that have been already furnished to the requester. While the disclosure of a name is not generally considered an invasion of privacy, parents of a student enrolled at a school have a reasonable expectation of privacy with regard to the disclosure of their name in school records. Disclosure of these names can be considered highly personal and objectionable to the reasonable person and there exists no legitimate public interest in disclosure of the names. As such, the District may redact the names of the parents contained in the e-mails pursuant to Section 7(1)(c). The District may also redact the reference to a congratulatory statement contained in a June 8, 2010 e-mail pursuant to Section 7(1)(c).

Additional Exemptions

The District has indicated that it seeks to withhold the names of current and former students pursuant to the Illinois School Student Records Act (ISSRA) (105 ILCS 10/1).¹ Documents that

¹ Section 2(d) of the ISSRA (105 ILCS 10/2(d)) defines a school student record as “any writing or other recorded information concerning a student and by which a student may be *individually identified*, maintained by a school or at its direction or by an employee of a school, regardless of how or where the information is stored.” (Emphasis

are covered by the ISSRA would be exempt through Section 7(1)(a) of FOIA (5 ILCS 140/7(1)(a)), which precludes the disclosure of information that is protected by Federal or State law or rules and regulations implementing Federal or State law. Please be advised that Section 7(1)(a) does not require Pre-Approval from the Office of the Public Access Counselor.

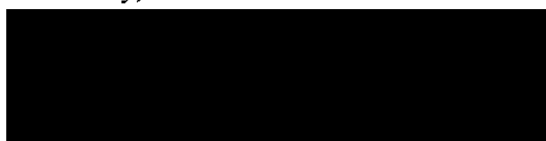
Conclusions

In summary, this Office finds the following:

1. The District has met its initial burden with regard to the e-mails and draft documents pursuant to Section 7(1)(f).
2. The District must disclose all final documents if the such documents have been generated.
3. The District may withhold the names of the parents of students who attend District schools pursuant to Section 7(1)(c)

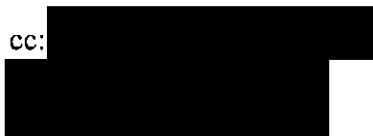
This correspondence shall serve to close this matter. Should you have any questions, please contact me at (312) 814-5383.

Sincerely,



Matthew C. Rogina
Assistant Public Access Counselor

cc:



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added.) Since the names of students are explicitly covered by the ISSRA, we decline to make a finding with regard to the names of students as they relate to Section 7(1)(c).