



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

October 18, 2010

Lisa Weitekamp  
FOIA Officer  
1301 Concordia Court  
P.O. Box 19277  
Springfield, Illinois 92794-9227

RE: FOIA Pre-Authorization Request 2010 PAC 10158

Dear Ms. Weitekamp:

We have reviewed the Illinois Department of Corrections' pre-authorization request and associated documents asserting Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)) to withhold public records concerning [REDACTED]'s cumulative counseling summaries. The Department contends that [REDACTED]'s counseling summaries contain confidential and personal information concerning him and, thus, public disclosure would yield a clearly unwarranted invasion of his personal privacy.

We conclude that the Department may not rely upon Section 7(1)(c) to deny disclosure of the counseling summaries to [REDACTED]. The Section 7(1)(c) exemption is unavailable if "the disclosure is consented to in writing by the individual subjects of the information." *Id.* Here, [REDACTED] is the individual subject of the requested information, and he has consented in writing to disclosure of the information to him by submitting his FOIA request.

Finally, the Department contends that the counseling summaries are part of Mr. Thomas' master file and, thus, exempt from public disclosure under Section 7(1)(a) of FOIA. 5 ILCS 140/5(1)(a). Pre-authorization is unnecessary to assert any exemption other than Section 7(1)(c) or 7(1)(f) of FOIA. Accordingly, we make no determination as to whether Section 7(1)(a) applies here.

Should you have any questions, please feel free to contact me at (312) 814-5044. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith  
Public Access Counselor



Sunil Bhawe  
Assistant Attorney General

cc:

