



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 22, 2011

Beth Shepperd
Assistant Superintendent
Champaign Community Unit School District 4
703 South New Street
Champaign, IL 61820

RE: Pre-Authorization Request – 2011 PAC 13579
Requester: Jaime Sarrio, *The Atlanta Journal-Constitution*

Dear Ms. Shepperd:

We have received and reviewed the notice from the Champaign Community Unit School District 4 of its intention to deny disclosure of certain information under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(c).

On March 29, 2011, the School District received a FOIA request from Ms. Jaime Sarrio seeking "the personnel file and contract for Arthur R. Culver, Superintendent." In its notice, the School District asserts that dates of birth appearing in the responsive records and Mr. Culver's university and graduate school transcripts are exempt from disclosure under Section 7(1)(c).

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, unless the disclosure is consented to in writing by the individual subjects of the information." 5 ILCS 140/7(1)(c). 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.* Further, Section 7(1)(c) provides that the "disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy." *Id.*

The School District's use of the exemption in Section 7(1)(c) to with respect to the dates of birth is approved. We have determined that disclosure of dates of birth would constitute a clearly

unwarranted invasion of personal privacy. This information is highly personal, and the subjects' right to privacy outweighs any legitimate public interest in disclosure. The dates of birth appearing in these records have no bearing on public employees' performance of their duties.

The School District's use of the exemption in Section 7(1)(c) to withhold the Superintendent's grade transcripts is approved. Although transcripts may be considered during the hiring process, these transcripts contain detailed information about classes taken and the student's performance in each class. This information has no bearing on the Superintendent's current performance of his public duties. The release of grade transcripts would be objectionable to a reasonable person, and in this instance, the Superintendent's right to privacy outweighs any legitimate public interest in disclosure. Therefore, the School district has sustained its initial burden of demonstrating that the information it proposes to withhold is exempt under Section 7(1)(c).

The University may issue a partial denial letter directly to Ms. Sarrio and release the non-exempt records to her with the appropriate information redacted. If you have any questions or concerns, feel free to contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,



Sarah Kaplan
Assistant Public Access Counselor

cc: Jaime Sarrio
Education Reporter
The Atlanta Journal-Constitution
by email: Jaime.Sarrio@ajc.com

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