



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 27, 2010

Ms. Norma Guess
City of DeKalb Department of Law
200 South Fourth Street
DeKalb, Illinois 60115

Mr. Keith Hunt
Hunt and Associates
Three First National Plaza, Suite 2100
Chicago, Illinois 60602

RE: FOIA Pre-Authorization Request – 2010 PAC 6195

Dear Ms. Guess and Mr. Hunt:

We have received and reviewed the written notice from the City of DeKalb (City) of its intention to withhold certain information as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.*, as amended.

Specifically, on February 17, 2010, Keith Hunt, on behalf of Hunt and Associates, submitted a FOIA request to the City seeking copies of correspondence between DeKalb Police Chief Bill Feithen and Northern Illinois Police Chief Donald Grady, the Mayor of Sycamore and other law enforcement officials.

On March 8, 2010, the City supplied Mr. Hunt with 220 pages of documents responsive to his request. On March 11, 2010, the City sought our Office's approval to withhold two e-mails pursuant to Section 7(1)(c) (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." 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.*

This Office initiated further review of the matter on March 18, 2010 and requested that the City supply this Office with copies of the information it seeks to withhold together with a detailed

summary of the City's basis for asserting the Section 7(1)(c) exemption. This City responded to our request on March 23, 2010 and supplied the requested documents.

Determinations

The City's request for approval of its decision to withhold information pursuant to Section 7(1)(c) is approved.

For purposes of FOIA, "public records" means "documentary materials *pertaining to the transaction of public business*". 5 ILCS 140/2(c).


Based upon our review, it is the conclusion of this Office that the two e-mails pertain to personal matters where public business was not discussed. Accordingly, it does not appear that the e-mails are "public records" of the City which are subject to disclosure under FOIA.

Based on this analysis, the City may withhold the two e-mails from disclosure. Should you have any questions, please feel free to contact me at 312-814-5383. This correspondence shall serve to close this file.

Sincerely,

Cara Smith
Public Access Counselor

By:


Matthew C. Rogina
Assistant Public Access Counselor