



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 21, 2010

Mr. James Garwood
Freedom of Information Act Officer
Community Consolidated School District 15
580 North 1st Bank Drive
Palatine, Illinois 60067
gardwoodj@ccd15.net

RE: FOIA Pre-Authorization Request 2010 PAC 9896

Dear Mr. Garwood:

We have received written notice from Community Consolidated School District 15 (School District) of its intention to withhold certain information from disclosure under Section 7(1)(c) of the Freedom of Information Act 5 ILCS 140/7, *et seq.*, as amended (FOIA).

Specifically, [REDACTED] submitted a FOIA request on September 9, 2010 for copies of the following:

1. All emails from March 1, 2010 through June 30, 2010 from Dr. Daniel Lukich and any or all Board of Education pertaining to the \$27 Million Bond Referendum for the upcoming November 2, 2010 Elections.
2. All emails from March 1, 2010 through June 30, 2010 from Dr. Daniel Lukich and any of the staff cabinet, or citizens pertaining to the \$27 Million Bond Referendum for the upcoming November 2, 2010 Elections.

On September 29, 2010, the School District submitted a Pre-Authorization Request with this Office and seeks to withhold a May 17, 2010 e-mail under Section 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." 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.*

In its September 23, 2010 letter to [REDACTED] the School District states that the email falls within the scope of Section 7(1)(c) because it details a private matter regarding why the School District's attorney was unable to attend an election hearing. The School District supplied this Office with an unredacted copy of the e-mail on October 20, 2010.

Determination

The School District's request for approval to withhold documents pursuant to Section 7(1)(c) is hereby approved. This Office has reviewed the email and determined that the reason for the attorney's absence from the hearing refers to a personal matter that is unrelated to his public duties. The disclosure of the reasons for the attorney's absence could constitute a highly unwarranted invasion of personal privacy. The Office further finds that there exists no legitimate public interest in the disclosure of the circumstances regarding his absence.

Accordingly, the School District has met its initial burden under Section 7(1)(c) and may redact the portion of the e-mail that details the attorney's absence from the hearing. Should you have any questions, please contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

[REDACTED]
Matthew C. Rogina
Assistant Public Access Counselor
2010 PAC 9984 al dl priv

cc: [REDACTED]