



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

December 30, 2010

Mr. Greg Lietz
Lietz & Hussman Rogers, LLP
408 N. Vermillion Street
Danville, IL 61832

RE: FOIA Pre-Authorization Request - 2010-PAG-11478

Dear Mr. Lietz:

We have received and reviewed the written notice from the Westville-Belgium Sanitary District of its intention to deny disclosure of certain information sought by [REDACTED] Ms. [REDACTED] sought a copy of a letter of reprimand that the District Superintendent recently received. The District asserts that this document is exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA) because it contains "personal information, the disclosure of which would result in a clearly unwarranted invasion of personal privacy." 5 ILCS 140/7(1)(c). The District also contends asserts that this document is exempt from disclosure under Section 7(1)(a) of FOIA (5 ILCS 140/7(1)(a)), because disclosure would violate Section 7(1) of the Personnel Record Review Act (820 ILCS 40/7(1)), but we will not address this assertion at this time because FOIA does not require the Public Access Counselor to preauthorize exemption claims under Section 7(1)(a).

The amended version of Section 7(1)(c) states as follows:

(c) Personal 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. "Unwarranted invasion of personal privacy" means 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. *The disclosure of information*

that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.

5 ILCS 140/7(c) (emphasis added). The letter of reprimand sought by [REDACTED] relates to the Superintendent's performance of his public duties, as it relates to the Superintendent's conduct during official business hours. Therefore, the disclosure of the letter of reprimand cannot be considered an invasion of privacy under Section 7(1)(c), and the District's request to assert the exemption under Section 7(1)(c) is denied.

If you have any questions, please feel free to contact me at 312-814-2770. This correspondence will serve to close the matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

[REDACTED]
John Schmidt
Assistant Attorney General

cc:

[REDACTED]

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