



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

Lisa Madigan  
ATTORNEY GENERAL

January 25, 2010

Ms. Beth Shepperd  
Freedom of Information Act Officer  
Champaign Unit School District 4  
703 South New Street  
Champaign, Illinois 61820

RE: FOIA Pre-Authorization Request - 2010 PAC 8724

Dear Ms. Shepperd:

We have received and reviewed the written notice from Champaign Unit School District 4 of its intention to withhold certain information as exempt from disclosure under Section 7(1)(c) and Section 7(1)(f) of the Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.*, as amended.

Specifically, on July 15, 2010, Jodi Heckel, a staff reporter for the *Champaign News Gazette*, submitted a FOIA request to the District seeking a copy of a complaint filed against Superintendent Arthur Culver.

On July 28, 2010, the District sought our Office's approval to withhold the complaint pursuant to Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)), which exempts from inspection and copying "preliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body."

The District also sought our approval to withhold the complaint pursuant to Section 7(1)(c) of FOIA (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." *Id.* 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.* *Language that relates to the public duties of public employees shall not be considered an invasion of privacy* (Emphasis added.)

This Office initiated further review of the matter on August 6, 2010 and requested a copy of the complaint sought by Ms. Heckel.

### Determinations

The District’s request for approval of its decision to withhold the complaint in its entirety pursuant to Section 7(1)(c) and Section 7(1)(f) is denied.

With regard to Section 7(1)(f), this exemption is intended to encourage government officials to openly and frankly discuss matters of governmental concern in order to make informed policy decisions. See *N.L.R.B. v. Sears*, 421 U.S. 132 (1975), *Hoffman v. Ill. Dept. of Corrections*, 158 Ill.App.3d 473, 511 N.E.2d 759 (1<sup>st</sup> Dist. 1987). Grievances or complaints submitted by current and former employees against their employer would not fall within the scope of Section 7(1)(f).

With regard to Section 7(1)(c), the disclosure of information that relates to the public duties of an employee shall not be considered an invasion of privacy. Upon review of the complaint, a majority of the information in the complaint relates to the public duties of Superintendent Culver and other District employees and therefore, is not exempt under Section 7(1)(c).

Although the District may not withhold the complaint in its entirety, the District may, however, redact the names of any students and non-District employees and any identifying information together with personal information relating to Superintendent Culver’s family pursuant to Section 7(1)(c).

Should you have any questions or concerns, please contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,

Amalia Rioja  
Acting Public Access Counselor

By: 

Matthew C. Rogina  
Assistant Public Access Counselor

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*8724 pre-auth 7(1)(f) 7(1)(c) emp inf prelim draft*