OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

December 10, 2010

Mr. Robert Gates
Kavanaugh, Scully, Sudow, White & Frederick, P.C.
301 S.W. Adams Street, Suite 700
Peoria, Illinois 61602

RE: Pre-Authorization Request – 2010 PAC 9252

Dear Mr. Gates:

We have received written notice from Peoria Public School District 150 (District) of its intention to withhold certain information from disclosure pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA) 5 ILCS 140/1 *et seq.*, as amended.

On August 16, 2010, [redacted] submitted a FOIA request to the District seeking a copy of information related to Dr. Granita Lathan (Dr. Lathan). In its August 23, 2010 written request, the District has asserted that Dr. Lathan's reference and contact information are exempt from disclosure under 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." 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.*

Determination

The District's request for approval of its decision to withhold the references and contact information for Dr. Lathan pursuant to Section 7(1)(c) is approved in part and denied in part.

The District may withhold from disclosure the names of the references of Dr. Lathan pursuant to Section 7(1)(c). In certain instances, an individual's relationship with a reference pre-dates an individual's employment with a public body and has no relation to the employee's public duties. Thus, while Dr. Lathan's references may have played a limited role in her hiring, they did not have bearing on her public duties. Further, it is unlikely that disclosure of these names would advance any public interest. To the extent that those references are previous employers of Dr. Lathan, however, the District must disclose identities of previous places of employment.

In summary, the District has met its initial burden under Section 7(1)(c) with regard to the names of the references but must disclose the identities of Dr. Lathan's prior employers. The District may redact any personal identifiers pursuant to Section 7(1)(b).[1] Application of Section 7(1)(b) does not require prior approval by the Public Access Counselor

Should you have any questions or concerns, please feel free to 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

cc: [redacted]

[1] Section 2(c-5) of FOIA (5 ILCS 140/7(1)(b) defines private information as unique identifiers, such as "a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal e-mail addresses. Private information also includes home addresses and personal license plates, except as otherwise provided by law or when compiled without the possibility of attribution to any person."

Ms. Stacey Shangraw
FOIA Officer
Peoria Public Schools
3202 N. Wisconsin Avenue
Peoria, Illinois 61603

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