



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 9, 2010

Ms. Emliy Renfro
Office of the Governor
100 W. Randolph St.
Chicago, IL 60601

Re: Pre-Authorization Request – 2010 PAC 11404
FOIA Requester: Citizen Advocacy Center – Christine You

Dear Ms. Renfro:

We have received and reviewed the written notice from the Office of the Governor of its intention to deny disclosure of a personal photograph and an individual's health and family information contained in e-mails for being exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.*, as amended.

On November 15, 2010, Ms. Christine You submitted a FOIA request to the Office of the Governor for "copies of the Governor's email correspondences written to conduct state business and using the email system utilized for official business during the persons of April 25, 2010, to May 1, 2010, and June 26, 2010, to July 2, 2010."

In its written notice, the Office of the Governor asserted that two of the e-mails in the requested records contained personal information in which the individual's right to privacy outweighs the public's interest in obtaining the information. The requested redactions included health, benefit, and other personal information, as well as a personal photograph.

Our office determined that further inquiry was necessary and asked the Office of the Governor to provide a written explanation as to how the release of the information would constitute an unwarranted invasion of personal privacy. On January 18, 2011, the Office of the Governor responded, arguing that "neither sender is a public employee or elected public official. Nor does either sender have business relations with the State. Each sender included very personal information in an email intended for the recipient, only; not the public. As such, the respective subjects' right to maintain the privacy of such personal information outweighs any legitimate public interest the requestor might have in obtaining this information."

Determination

Section 7(1)(c) 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". The exemption defines "unwarranted 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."

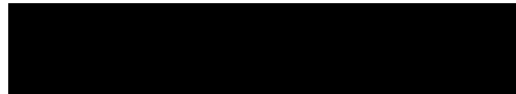
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The Office of the Governor's use of Section 7(1)(c) with respect to the proposed redactions is **approved**. After reviewing the materials provided to this office, we agree that requested redactions contain personal information, the disclosure of which would constitute a clearly unwarranted invasion of privacy. The proposed information is highly personal, the release of which would be objectionable to a reasonable person, and there is little public interest in obtaining the information. Accordingly, the Office of the Governor has met its initial burden of demonstrating that the withheld information is exempt from disclosure under Section 7(1)(c).

Should you have questions or concerns, please feel free to contact me at (312) 814-8413. This correspondence shall serve to close this matter.

Sincerely,

cc: Christine You
Citizens Advocacy Center
182 N. York Street
Elmhurst, IL 60126



Rebecca Riddick
Assistant Public Access Counselor