



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 2, 2011

John Costello
FOIA Officer
Office of the Illinois Attorney General
500 South Second Street
Springfield, IL 62706

RE: Pre-Authorization Request – 2011 PAC 12566
Requester: [REDACTED]

Dear Mr. Costello:

We have reviewed the written notice from the Office of the Illinois Attorney General (Office) of its intention to deny disclosure of certain information under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(c).

On February 7, 2011, the Office received [REDACTED] FOIA request for all communications related to 24 specified Requests for Review handled by the Public Access Counselor. The Office asserts that part of one sentence in one of the responsive documents is exempt under Section 7(1)(c). The responsive document is a FOIA request from another requester, the response to which was the subject of a Request for Review. The Office intends to redact information in this FOIA request that would identify the requester's minor son, including his name, his grade level, the room number of his classroom, and the name of the CPS school he attends.

Section 7(1)(c) of FOIA 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 the 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.*

Determination

The Office's use the exemption in Section 7(1)(c) to withhold the student's name, grade, and classroom number is approved. The disclosure of this information would reveal the identity of the student who was the subject of this FOIA request. The content of this FOIA request is highly personal, and the disclosure of the identity of the student in connection with this request would be objectionable to a reasonable person. The student's right to privacy outweighs any legitimate public interest in obtaining the identity of this student. Therefore, we find that the Office has sustained its initial burden of showing that the name, grade and classroom number are exempt under Section 7(1)(c).

However, the Office's request for permission to assert the exemption in Section 7(1)(c) with respect to the name of the school and the words "our son" is denied. We assume that many students attend this school, such that the release of the name of the school could not be used to identify the specific student involved in this request. Without the student's identifying information redacted, the name of the school is not highly personal, and the release of the name of the school would not be objectionable to a reasonable person.

Similarly, the words "our son" do not identify the student where names and other identifying information has been redacted. In its notice of intent to deny, which was sent both to the Public Access Counselor and to [REDACTED] the Office explains that the information it asserts is exempt under Section 7(1)(c) relates to "a requester's minor son." This indicates that the Office does not object to disclosure of the relationship between the requester and the student. We find that the words "our son," in the absence of any identifying information, are not highly personal, and disclosure would not be objectionable to a reasonable person. The legitimate public interest in understanding the subject matter of the FOIA request outweighs any privacy interest in this information. For these reasons, we find that the Office has not sustained its initial burden of showing that the name of the school and the words "our son" are exempt under Section 7(1)(c).

The Office may issue a partial denial letter to the requester and release the records with the appropriate information redacted in accordance with this letter. If you have any questions or concerns, do not hesitate to contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,

[REDACTED]
Sarah Kaplan
Assistant Public Access Counselor

cc: [REDACTED]

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