



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

March 3, 2011

Lisa Madigan
ATTORNEY GENERAL

Terry Dunn
Freedom of Information Officer
Peoria Public Schools
3202 N. Wisconsin Avenue
Peoria, Illinois 61603

RE: Pre-Authorization Request – 2010 PAC 7077

Dear Ms. Dunn:

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

On April 22, 2010, attorney Roni S. VanAusdall submitted a FOIA request for a copy of all documents pertaining to the employment of her client, [REDACTED]. In its written notice, Peoria Public Schools asserted that the responsive records contain personal information, the disclosure of which would constitute an unwarranted invasion of personal privacy under Section 7(1)(c) (5ILCS 140/7(1)(c)).

As indicated in our letter dated January 11, 2011, we need to review redacted and un-redacted copies of the responsive documents to determine whether Peoria Public Schools' use of the exemption in Section 7(1)(c) is appropriate in this situation. We also requested the detailed factual basis for the Peoria Public Schools' assertion of this exemption. We asked that the Peoria Public Schools provide these records to us within seven (7) working days after it received our correspondence. 5 ILCS 140/9.5(c). To date, we have not received a reply to our correspondence.

Determinations

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." *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.* Further, Section 7(1)(c) provides that the "disclosure of information that bears

March 3, 2011

Page 2

on the public duties of public employees and officials shall not be considered an invasion of personal privacy." *Id.*

The Peoria Public School's use of the exemption in Section 7(1)(c) to withhold this information is denied. First, we note that it appears that the responsive records generally relate to [REDACTED] performance of his public duties as a public employee. Peoria Public Schools may not properly assert the exemption in Section 7(1)(c) as to records or information within records that bears on the public duties of a public employee. Additionally, because Peoria Public Schools failed to provide us with the records we requested, we do not have sufficient information with which to approve Peoria Public Schools' proposed response. Therefore, we conclude that Peoria Public Schools has not met its burden of establishing a basis for redacting this information.

If you determine that the requester is still seeking this information, you may submit a new pre-authorization request.

If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

Sarah Kaplan BYEK

Sarah Kaplan
Assistant Public Access Counselor

cc: Roni VanAusdall
Attorney at Law
1504 North 8th Street
Pekin, Illinois 61554

7077 pre-auth dl priv county