



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

March 9, 2011

Ms. Allison Strupeck  
Supervisor of Communication Services  
Community Unit School District No. 300  
allison.strupeck@d300.org

RE: FOIA Pre-Authorization Request- 2010-PAC 9006

Dear Ms. Strupeck:

We have received and reviewed the written notice from the Community Unit School District No. 300 (District) of its intention to deny certain information as exempt from disclosure under Sections 7(1)(c) and 7(1)(f) of the Freedom of Information Act ("FOIA"), 5 ILCS 140/1 *et seq.*, as amended.

Specifically, on July 27, 2010, [REDACTED] submitted a FOIA request to the District seeking copies of the evaluations of paraprofessionals and the District's "do not call request" sheets for substitute teachers.

On August 10, 2010, the District submitted a Pre-Authorization Request to this Office explaining that the "do not call requests" are exempt from disclosure pursuant to Section 7(1)(f) of FOIA (5 ILCS 140/7(1)(f)), which exempts from inspection and copying any "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 asserted that the evaluations of the paraprofessionals are exempt pursuant to Section 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.*

## Determinations

The District's request for approval of its decision to withhold information pursuant to Section 7(1)(f) is approved. The Section 7(1)(f) 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).

With regard to the "do not call requests," this Office finds that they consist of opinions and recommendations by District personnel about substitute teachers and a possible course of action with regard to those individuals.

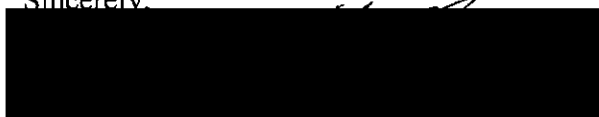
Additionally, there is no evidence that this information has been publicly cited and identified by the head of the public body. 5ILCS 140/7(1)(f).

With regard to the evaluations of paraprofessionals, the District submitted its Pre-Authorization Request on August 10, 2010 and expressed its intention to deny this request pursuant to Section 7(1)(c) of FOIA. Since that time, the Personnel Record Review Act (PRRA) was amended by adding a provision that exempts all public employee evaluations from disclosure pursuant to FOIA. The legislative amendment expressly exempts the documents Mr. Hale seeks from disclosure.

Accordingly, we find that the District has met its burden pursuant to Section 7(1)(f) and may withhold the do-not call request sheets and the evaluations pursuant to Section 11 of the PRRA (820 ILCS 40/11).

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

Sincerely,



Matthew C. Rogina  
Assistant Public Access Counselor

cc:



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