



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

July 15, 2010

Lisa Madigan  
ATTORNEY GENERAL

Mr. James Garwood  
Freedom of Information Officer  
Community Consolidated School District 15  
Joseph M. Kiszka Educational Service Center  
580 North First Bank Drive  
Palatine, IL 60067

Dear Mr. Garwood:

RE: FOIA Pre-Approval Request – No. 2010 PAC 8365 (Jennifer Moody)

We have received and reviewed the written notice from the Community Consolidated School District 15 of its intention to deny a portion of a certain record requested by Ms. Jennifer Moody as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA) because it contains “personal information, the disclosure of which would result in a clearly unwarranted invasion of personal privacy.” 5 ILCS 140/7(1)(c). Ms. Moody sought a copy of the separation agreement between the District and Dan Lukich, the District superintendent. The District provided a redacted version of the separation agreement and asserted that the redacted portions were exempt from disclosure under Section 7(1)(c). Ms. Moody also sought other information that is not relevant to the District’s pre-approval request.

As a result of this review, we have determined that further inquiry is warranted to determine if the exemption asserted is appropriate. We ask the District to provide our office with both redacted and unredacted copies of the separation agreement for Mr. Lukich together with a further explanation of its assertion that the agreement contains private information so as to exempt the redacted portion from disclosure under Section 7(1)(c). This must be provided to us within seven working days after receipt of this letter. 5 ILCS 140/9.5(c).

If you believe that other documents or information would be helpful to us as we review this issue, you may submit additional records or affidavits. Please provide any such information with 7 working days after receipt of this letter.

In some cases, we may forward a public body’s response to the requester for response. Please note, however, that “[t]o the extent that records or documents produced by a public body contain information that is claimed to be exempt from disclosure under Section 7 of [FOIA], the Public Access Counselor shall not further disclose that information.” *Id.*

While we are reviewing this matter, the time in which the Village must respond to Ms. Moody's FOIA request is tolled. 5 ILCS 140/9.5(b).

Thank you in advance for your cooperation in this matter. If you have any questions, please feel free to contact me at 312-814-2770.

Sincerely,

Cara Smith  
Public Access Counselor

By:



John Schmidt  
Assistant Attorney General

cc: Ms. Jennifer Moody  
106 Roberts Rd.  
Inverness, Illinois 60067