



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

November 27, 2013

Via electronic mail
Ms. Patti Lopuszanski
532 Carriage Way
South Elgin, Illinois 60177
lopuszanski532@comcast.net

RE: FOIA Request for Review – 2013 PAC 26828

Dear Ms. Lopuszanski:

This determination letter is issued pursuant to section 9.5(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(c) (West 2012)). For the reasons that follow, the Public Access Bureau concludes that no further action is warranted as to this matter.

On August 26, 2013, you submitted a FOIA request to the Mid-Valley Special Education Cooperative (Cooperative) seeking three categories of records, including

3. Address of location where donated furniture was purchased and picked up, copy of receipt for donated furniture purchased for the purpose of a Penske truck rental paid for on a Mid- Valley P-Card under a non- employee's name and address for a period of two days.¹

On September 10, 2013, the Cooperative furnished you with responsive records but stated that it does not possess a receipt for the donated furniture and denied your request for the above address pursuant to section 7(1)(b) of FOIA (5 ILCS 140/7(1)(b) (West 2012)), which exempts from disclosure "[p]rivate information, unless disclosure is required by another provision of this Act, a State or federal law or a court order." Section 2(c-5) of FOIA (5 ILCS 140/2(c-5) (West 2012)) defines "private information" as unique identifiers including a person's "home address * * *, except as otherwise provided by law or when compiled without possibility of attribution to any person."

¹E-mail from lopuszanski532@comcast.net to Nancy.Sporer@d303.org (August 26, 2013).

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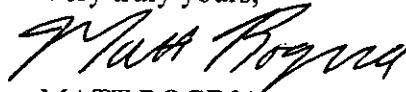
On November 7, 2013, you submitted a Request for Review disputing the Cooperative's denial of Item 3, specifically the address where the donated furniture was picked up and the receipt that was allegedly furnished.

On November 15, 2013, counsel for the Cooperative confirmed in a telephone conversation with an Assistant Attorney General in the Public Access Bureau that the address in question is a private residence that is home to a single individual who donated furniture to the Cooperative. That home address is exempt from disclosure under the plain language of section 7(1)(b) of FOIA.

The Cooperative also confirmed to us in a November 27, 2013, e-mail that no receipt was issued for the furniture. Section 1.2 of FOIA (5 ILCS 140/1.2 (West 2010)) provides that "[a]ll records in the custody or possession of a public body are presumed to be open to inspection or copying. However, a "requester is entitled only to records that an agency has in fact chosen to create and retain." *Yeager v. Drug Enforcement Admin.*, 678 F.2d 315, 321 (D.C. Cir. 1982).

Because the Cooperative does not possess a copy of the receipt you requested and because the address in question is exempt from disclosure pursuant to section 7(1)(b) of FOIA, we have determined that no further action is warranted as to this matter. Should you have any questions, you may contact me at (312) 814-5383. This correspondence shall serve to close this file.

Very truly yours,



MATT ROGINA
Assistant Attorney General
Public Access Bureau

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cc: *Via electronic mail*
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