

**River Forest
Public Schools**

Administration Building
7776 Lake Street
River Forest, IL 60305
Phone: 708-771-8282
Fax: 708-771-8291

April 14, 2021

Ross Lissuzzo
RLissuzzo@msn.com

VIA EMAIL

Re: April 9, 2021 FOIA Request

Dear Mr. Lissuzzo:

River Forest School District 90 (the "District") received your records request under the Freedom of Information Act ("FOIA") on April 9, 2021. Your request sought records meeting the following description:

I am requesting a copy of the formal complaint regarding the use of the AtoZ directory and any other formal complaint document regarding substitute teacher behavior. Both referring to former board candidate Scott Hall.

The District is not in possession of any records that are responsive to your request for a formal complaint document regarding substitute teacher behavior. The District is in possession of a record regarding a formal complaint regarding the use of the AtoZ Directory. Based on the District's review of the responsive record, the District is denying your request in its entirety because the record is exempt from disclosure under FOIA Section 7(1)(c) and FOIA Section 7(1)(f).

As you may know, FOIA Section 7(1)(c) exempts from disclosure "[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 ICLS 140/7(1)(c). FOIA Section 7(1)(c) defines "unwarranted 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, FOIA Section 7(1)(c) provides that "[t]he disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy." *Id.*

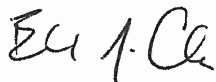
Here, the responsive record includes uncorroborated allegations regarding the conduct of a private citizen that were unrelated to the individual's previous service to the District as a substitute teacher. Notably, the individual resigned from having his name on the substitute teacher call list. Therefore, the District finds that disclosure of such a record would be highly personal or objectionable to the private citizen. As such, the disclosure of the record would constitute a clearly unwarranted invasion of the individual's privacy and is exempt from disclosure under FOIA Section 7(1)(c). Further, under applicable decisions interpreting FOIA, this exemption also applies to the identities of individuals making the complaint.

The record is also exempt because the District took no final action and did not issue any findings or outcomes against any employee with respect to the allegations contained therein. As a result, the record is preliminary to any formal action taken by the District, which has not yet taken any action given that the allegations did not bear on the duties of a public employee. As such, the record is exempt from disclosure under FOIA Section 7(1)(f), which protects "[p]reliminary drafts, notes, recommendations, memoranda and other records in which opinions are expressed, or policies or actions are formulated" from disclosure. 5 ICLS 140/7(1)(f).

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I am the person responsible for the denial of your request. You may ask the PAC to review this denial of your records request, by submitting a Request for Review to the PAC by electronic mail or U.S. Mail within 60 days after receiving this response. A Request for Review by the PAC should be directed to: Public Access Bureau, Office of the Attorney General, 500 S. 2nd Street, Springfield, IL 62706, publicaccess@atg.state.il.us, (877) 299-FOIA. You also have the right to review by a court of law pursuant to 5 ILCS 140/11.

Sincerely,

Handwritten signature of Edward J. Condon in black ink.

Edward J. Condon, Ph.D.
Superintendent



From: Ross Lissuzzo
RE: Freedom of Information Act Response
Date: April 9, 2021 at 4:07 PM
To: Tracy Gutierrez
CC: Ed Condon

I am requesting a copy of the formal complaint regarding the use of the AtoZ directory and any other formal complaint document regarding substitute teacher behavior. Both referring to former board candidate Scott Hall.

Thank you

From: Tracy Gutierrez <gutierrez@district90.org>
Sent: Wednesday, April 7, 2021 12:32 PM
To: RLissuzzo@msn.com
Subject: Freedom of Information Act Response

Good Afternoon,

Attached, please find the response to your Freedom of Information Act Request that was received by the District office on March 31, 2021.

Tracy Gutierrez
Executive Assistant to the Superintendent
River Forest Public Schools District 90
708-771-8282
gutierrez@district90.org