



Bruce Rauner
Governor

Shirley R. Madigan
Chairman

Joshua Davis
Acting Executive Director

August 2, 2017

VIA ELECTRONIC MAIL
Mr. John Kraft
xxxxxxxxxxxxxx

RE: FOIA Request #2017-0721

Dear Mr. Kraft:

Thank you for writing to the Illinois Arts Council Agency with your request for information pursuant to the Freedom of Information Act (FOIA) (5 ILCS 140/1 *et seq.* (West 2016)). In an e-mail received on July 20, 2017, you state "[q]uestion if the Illinois Arts Council Agency (IACA) issued a grant in 2015 to a mother/relative teach [sic] her child (or other relative) a musical instrument or any style of music playing/performance."

As an initial matter, I would note that this part of your request does not seek copies of specific, identified records of the IACA. Rather, you are asking a question. Please note that, under FOIA, a public body is generally only obligated to provide public records in response to a FOIA request, not answer questions. See *Kenyon v. Garrels*, 184 Ill. App. 3d 29, 32 (4th Dist. 1989). Accordingly, this portion of your request is improper under FOIA.

In addition, your July 20, 2017, e-mail also requests a copy of "the grant application and all other related information, to include meeting minutes where grant approval was voted and approved, for the grant given/awarded to Master Artist Rajeswari Pariti in FY 2015."

This part of your request is granted in part and denied in part. We have withheld no records. However, we have redacted unique identifiers as "private information," as that term is defined in section 2(c-5) of FOIA (5 ILCS 140/2(c-5) (West 2016)). "Private information" is exempt from disclosure under section 7(1)(b) of FOIA. 5 ILCS 140/7(1)(b) (West 2016). Specifically, we have redacted signatures (see Ill. Att'y Gen. PAC Req. Rev. Ltr. 12046, issued June 23, 2011), personal mailing addresses, personal telephone numbers, and personal e-mail addresses.

We have also redacted three types of information pursuant to section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c) (West 2016)), as an unwarranted invasion of personal privacy. An "unwarranted invasion of personal privacy" is "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." 5 ILCS 140/7(1)(c) (West 2016).

First, we have redacted dates of birth. "An individual's birth date is highly personal by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information." Ill. Att'y Gen. Pub. Acc. Op. No. 16-009, issued November 7, 2016. Accordingly, this information is exempt from disclosure.

Second, we have redacted information that would identify a minor child. "[D]isclosure of any identifiable information regarding the minor would be highly personal and objectionable to a reasonable person." (Emphasis in original.) Ill. Att'y Gen. PAC Pre-Auth. al13653, issued July 20, 2011. Accordingly, this information is exempt from disclosure. **We have left unredacted, however, information that recognizes that Rajeswari Pariti is the grandmother of the minor.**

Third, we have redacted the name of a private citizen identified in the records. "[A] Government agency may edit the names and identifying information of private parties from documents that otherwise reveal the operations and activities of the agency, because FOIA's central purpose is to guarantee that the *Government's* activities be opened to the sharp eye of public scrutiny, not that information about *private citizens* that happens to be in the warehouse of the Government be so disclosed." (Emphasis in original.) *Silets v. United States Dep't of Justice*, 945 F.2d 227, 229 (7th Cir.1991), citing *United States Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749, 774 (1989).

The applicant provided the IACA with information in support of the application, and the redacted information consists of a name of a private citizen that was referenced within those records. The name of the private citizen does not directly pertain to the application. This information is highly personal and the private citizen's right to privacy outweighs any legitimate public interest in knowing who he or she is. Accordingly, this information is exempt from disclosure.

You have a right to have the partial denial of your request reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General. 5 ILCS 140/9.5(a) (West 2016). You may file your request for review with the PAC by writing to:

Sarah Pratt
Public Access Counselor
Office of the Illinois Attorney General
500 South 2nd Street
Springfield, Illinois 62706
Fax: (217) 782-1396
publicaccess@atg.state.il.us

If you choose to file a request for review with the PAC, you must do so within 60 calendar days of the date of this partial denial letter. 5 ILCS 140/9.5(a) (West 2016). Please note that you must include a copy of your original FOIA request and of this partial denial letter when filing a request for review with the PAC.

You also have the right to judicial review of your partial denial by filing suit in the appropriate Illinois court. 5 ILCS 140/11 (West 2016).

Best regards,



Shirley Madigan
Chairman

Attachments