

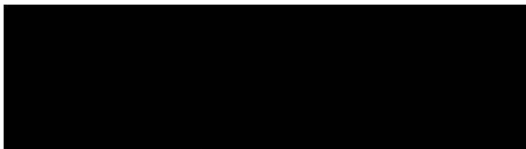


OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

August 8, 2025

Via electronic mail



RE: FOIA Request for Review – 2025 PAC 88239

Dear [REDACTED]

This determination is issued pursuant to section 9.5(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(c) (West 2024)). For the reasons set forth below, the Public Access Bureau has determined that no further action is warranted in this matter.

On July 24, 2025, you submitted a FOIA request to South Suburban College ("College" or "SSC") seeking copies of "[a]ll documents reflecting [the College's] acknowledgements of employee family member deaths, including but not limited to"¹ sympathy cards and letters, e-mail announcements, and memorial service announcements. Your request included certain search parameters. On July 28, 2025, the College responded that "[t]his request is not related to a 'transaction of public business' and therefore is not public record."²

That same day, you submitted the above-referenced Request for Review contesting the College's response. You argued:

I believe these records reflect the use of official SSC resources in responding to employee bereavements, and that they speak to

¹E-mail from [REDACTED] to FOIA Officer, South Suburban College (July 24, 2025).

²E-mail from Patrick Rush, Vice President of Administration, South Suburban College, to [REDACTED] (July 28, 2025).

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whether such acknowledgments are handled consistently and equitably as part of institutional practice. These communications, issued from official accounts or offices, reflect SSC's discretionary use of public resources and relate directly to employee engagement and morale, which are valid public concerns.^[3]

FOIA is intended to ensure public access to "full and complete information regarding the affairs of government and the official acts and policies of those who represent them as public officials and public employees consistent with the terms of this Act." 5 ILCS 140/1 (West 2024). FOIA requires that "[e]ach public body shall make available to any person for inspection or copying all **public records**[" (Emphasis added.) 5 ILCS 140/3(a) (West 2024). Section 2(c) of FOIA (5 ILCS 140/2(c) (West 2024)) defines "public records" as "all records * * * **pertaining to the transaction of public business**, regardless of physical form or characteristics, having been prepared by or for, or having been or being used by, received by, in the possession of, or under the control of any public body." (Emphasis added.) A record pertains to the transaction of public business when it "pertain[s] to 'business or community interests as opposed to private affairs.' Indeed, FOIA is not concerned with an individual's private affairs." *City of Champaign v. Madigan*, 2013 IL App (4th) 120662, ¶ 31.

The Public Access Bureau has previously determined that messages expressing condolences pertain to private affairs rather than public duties or the transaction of public business, and therefore such records are not public records subject to disclosure under FOIA. *See, for instance*, Ill. Att'y Gen. PAC Req. Rev. Ltr. 71689, issued May 5, 2023, at 3 (text messages sent and received by mayor of City of Chicago consisting of condolences were not public records). Your request specifically seeks the content of records such as sympathy cards and announcements of memorial services which acknowledge the deaths of family members of College employees, and not contextual records such as bereavement policies about how the College approaches these matters. The content of the records you requested necessarily pertains to private affairs of employees, and your request did not focus on any topic of public business related to the provision of educational services. Although the transmission of such records may have involved the use of public resources,⁴ and although the communications may enhance employee engagement and morale, those factors do not transform the communications into public records available via FOIA because the subject of employee family member deaths fundamentally does not pertain to the College's transaction of public business as an educational institution.

³E-mail from [REDACTED] to Public Access Counselor (July 28, 2025).

⁴As to the use of public funds, section 2.5 of FOIA (5 ILCS 140/2.5 (West 2024)) provides that "[a]ll records relating to the obligation, receipt, and use of public funds of the State, units of local government, and school districts are public records subject to inspection and copying by the public." Section 2.5 of FOIA does not apply to your request because although any records like the kinds you requested would, by virtue of being sent by the College, tangentially relate to the use of public funds, such records do not directly document or reflect the use of public funds, unlike invoices, budgets, and other records that fall squarely within the scope of section 2.5 of FOIA.

[REDACTED]
August 8, 2025

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Accordingly, this office has determined that no further action is warranted in this matter. If you have any FOIA questions, you may contact me at the Chicago address on the bottom of the first page of this letter.

Very truly yours,

[REDACTED]
KATIE GOLDSMITH
Assistant Attorney General
Public Access Bureau

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cc: *Via electronic mail*
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