

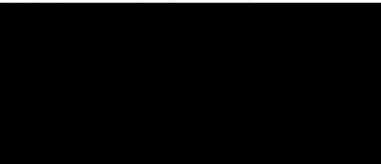


OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

KWAME RAOUL  
ATTORNEY GENERAL

September 19, 2023

*Via electronic mail*



*Via electronic mail*

Ms. Amanda L. Sanderson  
FOIA Officer  
East Aurora School District 131  
310 Seminary Avenue  
Aurora, Illinois 60505  
asanderson@d131.org

RE: FOIA Request for Review – 2023 PAC 77227

Dear [REDACTED] and Ms. Sanderson:

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 2022)). For the reasons set forth below, and after the provision of a supplemental response, the Public Access Bureau concludes that the remainder of this Request for Review is unfounded.

On June 20, 2023, [REDACTED] submitted a two-part FOIA request to the East Aurora School District 131 (District) seeking copies of (1) credit card statements for Rita Guzman and her department for calendar years 2021, 2022 and 2023; and (2) List of Bills for August 16, 2021. On July 5, 2023, the District responded by notifying [REDACTED] that all responsive credit card statements other than for December 2022 through June 2023 were previously provided to him in responses to prior FOIA requests.<sup>1</sup> The District provided

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<sup>1</sup>In prior FOIA requests, [REDACTED] requested credit card statements for the District. The District informed this office that it receives a consolidated credit card statement showing all of the transactions for each of its employees who possess District-issued credit cards, including charges made by Ms. Rita Guzman. By providing

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responsive records for this time period with certain portions redacted.<sup>2</sup> Finally, the District in its response directed ██████████ to its website where the List of Bills could be found. In ██████████ ██████████ Request for Review, he contests the redactions and complained that the District did not make the redactions in black ink as he had requested.

As a preliminary matter, FOIA does not require a public body to use a particular color of ink or redaction tape when making its redactions. Accordingly, there is no basis for this office to conclude that the District's use of white ink, white out, or white redaction tape, violates FOIA.

In its response to ██████████, the District stated that it had redacted "account numbers, names, personal contact information and employer identification numbers"<sup>3</sup> pursuant to section 7(1)(b) of FOIA (5 ILCS 140/7(1)(b)) (West 2022). Section 7(1)(b) of FOIA 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 2022)) defines "private information" as:

[U]nique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person.

On August 25, 2023, the District provided this office with unredacted copies of the responsive records it provided to ██████████ This office's comparison of the redacted and

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the District's consolidated credit card statements in the past, it also provided credit card statements for Ms. Guzman. The District also informed this office that only heads of departments are given District-issued credit cards. As the head of the Language Acquisition Department, Ms. Guzman has the sole use and control of her department's credit card.

<sup>2</sup>The District only provided portions of the District's consolidated credit card statements pertaining to Ms. Guzman's District-issued credit card. After discovering that it had not provided the September 2022 credit card statement previously requested by ██████████ in his November 11, 2022, FOIA request, on August 8, 2023, the District provided a supplemental response in which it provided that statement.

<sup>3</sup>Letter from Amanda Sanderson, FOIA Officer for East Aurora School District 131, to ██████████ ██████████ (July 5, 2023) at 1.


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unredacted credit card statements showed that the District redacted the credit card account numbers, the names of the employees who used each credit card account, and descriptions on the entries for airline ticket purchases detailing the names of the travelers and the ticket numbers. Names, especially the names of public employees or officials, are not "private information" within the scope of section 7(1)(b). *See Lieber v. Board of Trustees of Southern Illinois University*, 176 Ill. 2d 401, 411-12 (1997) (names are "basic identification," not private information, and, thus, not within the scope of section 7(1)(b)). Additionally, an airline ticket number would not refer to any unique identifier which would provide any private information that would be subject to the section 7(1)(b) exemption. The District improperly redacted the names of its employees and airline ticket details.

However, on September 6, 2023, an Assistant Attorney General (AAG) in the Public Access Bureau spoke by telephone with the District's FOIA officer. The AAG requested and the District agreed to provide a supplemental response to [REDACTED] FOIA request in which it would provide the improperly redacted information. On September 13, 2023, the District provided a supplemental response in which it provided the information that was previously improperly redacted.


The District also redacted the account number for the District-issued credit card used by Ms. Guzman, again relying on to section 7(1)(b) of FOIA. This office has previously determined that financial information belonging to a public body is not "*personal* financial information" constituting "private information" that is exempt from disclosure pursuant to section 7(1)(b). *See* Ill. Att'y Gen. PAC Req. Rev. Ltr. 51340 51673, issued October 25, 2018, at 4 (a school district's bank account numbers do not fall within the scope of section 7(1)(b) because they are not "personal financial information" that is unique to an *individual* but rather to a public body subject to the requirements of FOIA (emphasis in original)). However, section 7(1)(kk) of FOIA (5 ILCS 140/7(1)(kk) (West 2022)) exempts from disclosure a public body's "credit card numbers \* \* \* the disclosure of which could result in identity theft or impression or defrauding of a governmental entity or a person." Although not cited by the District, its redaction of the credit card account number is proper pursuant to section 7(1)(kk) of FOIA. Going forward, we suggest that the District reference section 7(1)(kk) of FOIA in its response letter when it redacts this information.

The District's supplemental response resolves [REDACTED] allegations regarding the improper redaction of certain information. With respect to the portion of [REDACTED] Request for Review alleging that the District improperly redacted in black ink and improperly redacted the District's credit card account numbers, this office concludes those allegations are unfounded.

  
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This file is closed. If you have any questions, please contact me at (773) 590-7071 or at the Chicago address listed on the bottom of the first page of this letter.

Very truly yours,

  
GRACE ANGELOS  
Assistant Attorney General  
Public Access Bureau

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