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June 1, 2022

Via Email: ecoleman@shawmedia.com

Emily Coleman
Editor
Northwest Herald

Re: FOIA Request to Crystal Lake Elementary School District 47 ("District 47")

Dear Ms. Coleman:

On about May 17, 2022, District 47 received your request submitted pursuant to the Illinois *Freedom of Information Act* ("FOIA") 5 ILCS 140/1.1. The time to respond to the request was extended by letter request to June 1, 2022. Our firm has been asked to respond to your request which sought copies of the following:

1. Any and all records in the personnel files of the staff member driving the bus at the time of the May 16 crash in which a child was killed;
2. Any and all records showing any disciplinary actions taken against that employee by Crystal Lake Elementary School District 47, the transportation arm or any of its officials;
3. If not included in the above, all records related to internal and external complaints made against the employee, including but not limited to allegations of misconduct – This includes any emails or records of phone calls regarding the staff member's driving by parents;
4. If not included in the above, all records of internal investigations of the staff member.

Response to Request #1:

At this time, this request is being denied for the following reasons:

1. The requested documents contain private information on the staff member that prevents its disclosure pursuant to 5 ILCS 140/2(c-5) and 5 ILCS 140/7(1)(b);
2. The requested documents are exempt from production under the Personnel Records Review Act, 820 ILCS 40. See also 5 ILCS 140/7.5 (q);

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3. The production of the requested materials could endanger the safety of the staff member. 5 ILCS 140/7(1)(d);
4. The production of the requested materials constitutes an unwarranted invasion on the privacy of the staff member. 5 ILCS 140/7(1)(c).

Response to Request #2:

There are no documents responsive to this request.

Response to Request #3:

At this time, the first part of the request as to internal or external complaints made against the employee is being denied for the following reasons:

1. The production of the requested documents contains private information on the staff member that prevents its disclosure. 5 ILCS 140/2(c-5);
2. The requested documents are exempt from production under the Personnel Records Review Act, 820 ILCS 40. See also 5 ILCS 140/7.5 (q);
3. The production of the requested documents constitutes an unwarranted invasion on the privacy of the staff member. 5 ILCS 140/7(1)(c);
4. The production of the requested materials could endanger the safety of the staff member. 5 ILCS 140/7(1)(d).

As to the second part of the request regarding emails or phone calls from parents as to the staff member's driving, there are no documents responsive to this request.

Response to Request #4:

At this time, this request is being denied for the following reasons:

1. The production of the requested documents contains private information on the staff member that prevents its disclosure. 5 ILCS 140/2(c-5);
2. The requested documents are exempt from production under the Personnel Records Review Act, 820 ILCS 40. See also 5 ILCS 140/7.5 (q);
3. The production of the requested documents constitutes an unwarranted invasion on the privacy of the staff member. 5 ILCS 140/7(1)(c);
4. The production of the requested materials could endanger the safety of the staff member. 5 ILCS 140/7(1)(d).

Emily Coleman
June 1, 2022
Page 3

You do have a right to have your request reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General. 5 ILCS 140/9.5(a). You can file your Request for Review with the PAC by writing to:

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

You also have the right to seek judicial review concerning your request by filing a lawsuit in the State circuit court. 5 ILCS 140/11. 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 letter. 5 ILCS 140/9.5(a). Please note that you must include a copy of your original FOIA request and this letter when filing a Request for Review with the PAC. The undersigned is responsible for this partial denial

Sincerely,



Charles A. LeMoine

cc: Clare Bourne (cfbourne@d47.org)
FOIA Officer