

October 10, 1991

Mayor Joan Jones  
City of Rockfield  
City Hall  
Rockfield, Illinois 60999  
VIA CERTIFIED MAIL,  
RETURN RECEIPT REQUESTED  
(No. XXXX XXXX XXXX XXXX)

Dear Mayor Jones:

This is an appeal under Section 10 of the Illinois Freedom of Information Act.

I am appealing from the action of City Clerk John Doe, dated September 28, 1991, in response to my Freedom of Information Act request, dated September 10, 1991. I enclose copies of my request and Mr. Doe's response.

My request letter asked for records relating to the expenses of the Board of Aldermen on their recent legislative factfinding trip to Honolulu, Hawaii. Though I was granted access to inspect and copy of the Board of Aldermen resolutions authorizing payment of these expenses, I was denied access to the expense account vouchers and cancelled checks on these grounds: (1) that disclosure of purchases made by the aldermen on the factfinding trip would invade the aldermen's personal privacy, under Section 7(b) of the Act; and (2) since the aldermen discussed the purchase of a piece of real estate during the trip and the negotiations are not yet complete, the records were withheld under Section 7(s) of the Act.

The City Clerk's denial of my request was totally unjustified under the Freedom of Information Act. Section 7(b) of the Act states that "disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy." Any purchases made by the aldermen that were charged to the city's taxpayers should be disclosed to the public. The definition of "public records" in Section 2(c) specifically includes the records I have requested. And, so far as I can tell, the records I have requested would not disclose details of any pending real estate purchase. In any event, Section 8 of the Act provides that non-exempt portions of any partially exempt documents must be disclosed.

As you know, your office has seven working days to respond to this appeal. If you need to contact me, I can be reached at (815) 555-5555.

Sincerely,

Woodward N. Bernstein

**SOURCE: Media/Law Handbook (ISBA & IPA 1993)**