

OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

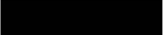
KWAME RAOUL
ATTORNEY GENERAL

May 8, 2024

Via electronic mail



RE: FOIA Request for Review – 2024 PAC 81205

Dear 

This determination is issued pursuant to section 9.5(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(c) (West 2022), as amended by Public Act 103-069, effective January 1, 2024). For the reasons set forth below, the Public Access Bureau has determined that no further action is warranted.

On March 28, 2024, you submitted a FOIA request to the Chicago Park District (District) seeking copies of your seasonal evaluations for seven specified forestry seasons and your interview scoring for the junior tree surgeon position. On April 25, 2024, the District granted, in part, and denied, in part, the request pursuant to sections 7(1)(b), 7(1)(q), and 7.5(q) of FOIA.^{1,2} On May 1, 2024, this office received your complete Request for Review contesting the withholding of your seasonal evaluations. You questioned why the evaluations were withheld when you have previously received copies of them.

Section 7.5(q) of FOIA exempts from disclosure "information prohibited from being disclosed by the Personnel Record Review Act." Section 11 of the Personnel Record Review Act (820 ILCS 40/11 (West 2022)) provides: "This Act shall not be construed to

¹5 ILCS 140/7(1)(b), 7(1)(q) (West 2022), as amended by Public Acts 103-154, effective June 30, 2023; 103-423, effective January 1, 2024; 103-462, effective August 4, 2023; 103-446, effective August 4, 2023; 103-540, effective January 1, 2024; 103-554, effective January 1, 2024.

²5 ILCS 140/7.5(q) (West 2022), as amended by Public Acts 103-008, effective June 7, 2023; 103-034, effective June 9, 2023; 103-142, effective January 1, 2024; 103-372, effective January 1, 2024; 103-508, effective July 1, 2023; 103-580, effective December 8, 2023.

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diminish a right of access to records already otherwise provided by law, provided that **disclosure of performance evaluations under the Freedom of Information Act shall be prohibited.**" (Emphasis added.) This provision expressly exempts performance evaluations, such as seasonal evaluations, from disclosure pursuant to a FOIA request.

Because section 11 of the Personnel Record Review Act prohibits disclosure of performance evaluations in response to a FOIA request, the Public Access Bureau has determined that no further action is warranted in this matter. You may wish to follow up with your Human Resources Department about obtaining or reviewing evaluations outside of FOIA, as you stated you have received them in the past. *See* 820 ILCS 40/2 (West 2022), as amended by Public Act 103-201, effective January 1, 2024 (requiring public bodies to permit employees to inspect certain personnel records).

This file is closed. If you have questions, please contact me at the Chicago address on the bottom of the first page of this letter.

Very truly yours,

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TERESA LIM
Supervising Attorney
Public Access Bureau

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