



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

December 31, 2025

PUBLIC ACCESS OPINION 25-016
(Request for Review 2025 PAC 89395)

FREEDOM OF INFORMATION ACT:
Disclosure of Village Clerk's Termination Letter

Ms. Tania Vucsko
300 South Jacobsen Drive
Thomasboro, Illinois 61878

Mr. Marc R. Miller
Miller and Hendren
2504 Galen Drive, Suite 101
Champaign, Illinois 61821

Dear Ms. Vucsko and Mr. Miller:

This binding opinion is issued by the Attorney General pursuant to section 9.5(f) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(f) (West 2024)). For the reasons discussed below, this office concludes that the Village of Thomasboro (Village) improperly withheld the termination letter responsive to Ms. Tania Vucsko's August 11, 2025, FOIA request.

On that date, Ms. Vucsko submitted a FOIA request to the Village via e-mail seeking "a complete and unredacted copy of the termination letter issued by the Mayor of the Village of Thomasboro to the Village Clerk, Tana Ward, dated August 7th, 2025."¹ On August 18, 2025, the Village denied the request² pursuant to section 7(1)(a) of FOIA³ based on

¹E-mail from Tania Vucsko to [Village of Thomasboro FOIA Officer and others] (August 11, 2025).

²Letter from Village of Thomasboro to Tania Vucsko (August 18, 2025), at [1-2].

³5 ILCS 140/7(1)(a) (West 2024).

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section 7(1) of the Personnel Record Review Act (PRRA),⁴ the Right to Privacy in the Workplace Act,⁵ and the Workplace Transparency Act.⁶ The Village also asserted that the termination letter was exempt from disclosure under sections 7(1)(c) and 7(1)(n) of FOIA.⁷

On August 19, 2025, Ms. Vucsko submitted a follow-up FOIA request to the Village via e-mail seeking a copy of the same termination letter as well as copies of any supplemental documents related to the termination or separation of the Village Clerk.⁸ On August 26, 2025, the Village denied the request, relying on the same exemptions it asserted in response to Ms. Vucsko's August 11, 2025, FOIA request.⁹

On September 21, 2025, Ms. Vucsko submitted Requests for Review challenging the Village's responses to each FOIA request, including the applicability of the exemptions the Village asserted to deny the termination letter.¹⁰ The Public Access Bureau opened a Request for Review concerning the denial of the termination letter in response to the August 11, 2025, FOIA request (2025 PAC 89395), and a separate Request for Review concerning the denial of any records responsive to the August 19, 2025, FOIA request (2025 PAC 89397).

On September 30, 2025, the Public Access Bureau sent the Village's attorney a copy of each Request for Review and a consolidated inquiry letter that requested the Village provide unredacted copies of all withheld records for this office's confidential review, as well as a detailed written explanation of the factual and legal bases for the applicability of the asserted exemptions.¹¹ On October 8, 2025, the Village e-mailed this office¹² an unredacted copy of the

⁴820 ILCS 40/7(1) (West 2024).

⁵820 ILCS 55/1 *et seq.* (West 2024).

⁶820 ILCS 96/1-1 *et seq.* (West 2024).

⁷5 ILCS 140/7(1)(c), (1)(n) (West 2024).

⁸E-mail from Tania Vucsko to [Village of Thomasboro FOIA Officer] (August 19, 2025).

⁹Letter from Village of Thomasboro to Tania Vucsko (August 26, 2025), at [1-2].

¹⁰E-mail from Tania Vucsko to Public Access Counselor, [Office of the Attorney General] (September 21, 2025).

¹¹Letter from Katie Goldsmith, Assistant Attorney General, Public Access Bureau, Office of the Attorney General, to Marc R. Miller, Miller and Hendren (September 30, 2025).

¹²E-mail from Marc R. Miller, Miller & Hendren, to [Katie] Goldsmith, [Assistant Attorney General, Public Access Bureau, Office of the Attorney General] (October 8, 2025).

termination letter. The next day, the Village e-mailed this office¹³ its written response in which it relied on only the PRRA and sections 7(1)(c) and 7(1)(n) of FOIA to withhold the termination letter.¹⁴ On October 10, 2025, this office forwarded a copy of the Village's response to Ms. Vucsko and notified her of her opportunity to reply.¹⁵ On October 12, 2025, Ms. Vucsko submitted a reply, maintaining her objections to the asserted exemptions.¹⁶

On November 20, 2025, the Public Access Bureau extended the time within which to issue a binding opinion to January 8, 2026, pursuant to section 9.5(f) of FOIA.¹⁷ This binding opinion addresses only the denial of the termination letter sought by Ms. Vucsko in the FOIA request that underlies 2025 PAC 89395.

ANALYSIS

It is the public policy of the State of Illinois that "all persons are entitled 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" FOIA. 5 ILCS 140/1 (West 2024). Under FOIA, "[a]ll records in the custody or possession of a public body are presumed to be open to inspection or copying. Any public body that asserts that a record is exempt from disclosure has the burden of proving by clear and convincing evidence that it is exempt." 5 ILCS 140/1.2 (West 2024).

Section 7.5(q) of FOIA and the PRRA

To withhold the letter pursuant to the PRRA, the Village cited section 7(1)(a) of FOIA, which exempts from disclosure "[i]nformation specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law." The more specific exemption, however, is section 7.5(q) of FOIA,¹⁸ which exempts from disclosure "[i]nformation prohibited from being disclosed by the Personnel Record Review Act." The

¹³E-mail from Marc R. Miller, Miller & Hendren, to [Katie] Goldsmith, [Assistant Attorney General, Public Access Bureau, Office of the Attorney General] and Gavin Gunter [Miller & Hendren] (October 9, 2025).

¹⁴Memorandum from Marc R. Miller[,], Attorney[,], and R. Gavin Gunter[,], Law Clerk[,], both of Miller & Hendren Law Office, to Katie Goldsmith, Assistant Attorney General, Public Access Bureau (undated).

¹⁵Letter from Katie Goldsmith, Assistant Attorney General, Public Access Bureau, Office of the Attorney General, to Tania Vucsko (October 10, 2025).

¹⁶Letter from Tania Vucsko to Katie Goldsmith, Assistant Attorney General, Public Access Bureau, Illinois Attorney General's Office (October 12, 2025).

¹⁷Letter from Katie Goldsmith, Assistant Attorney General, Public Access Bureau, Office of the Attorney General, to Tania Vucsko and Marc R. Miller, Miller and Hendren (November 20, 2025).

¹⁸5 ILCS 140/7.5(q) (West 2024), as amended by Public Acts 104-010, effective June 16, 2025; 104-018, effective June 30, 2025; 104-417, effective August 15, 2025; 104-428, effective August 18, 2025.

Illinois Appellate Court has observed that "an exemption restricting the expansive nature of the FOIA's disclosure provisions must be explicitly stated--that is, such a proposed disclosure must be *specifically* prohibited." (Emphasis in original.) *Better Government Ass'n v. Blagojevich*, 386 Ill. App. 3d 808, 816 (2008).

In its response to this office, the Village noted that section 7(1) of the PRRA provides that "[a]n employer...shall not divulge a disciplinary report, letter of reprimand, or other disciplinary action to a third party...without written notice as provided in this [S]ection."¹⁹ The Village asserted:

[T]he purpose behind the Personnel Record Review Act is to facilitate the review of personnel records regarding the employee themselves. This is reflected in 820 ILCS 40/2(a)(1) which states that upon written request from the employee to inspect, copy, and receive copies of, in relevant part, 'any personnel documents which are, have been, or are intended to be used in determining... discharge, or other disciplinary action.' Thus, the Act precludes release of the termination letter to a third party and release of the termination letter would need to be pursued by Ms. Ward herself under the Personnel Record Review Act as opposed to the Freedom of Information Act.^[20]

The Village also excerpted section 5 of the PRRA,²¹ which states:

Personnel Record Inspection by Representative. An employee who is involved in a current grievance against the employer may designate in writing a representative of the employee's union or collective bargaining unit or other representative to inspect the employee's personnel record which may have a bearing on the resolution of the grievance, except as provided in Section 10. The employer shall allow such a designated representative to inspect that employee's personnel record in the same manner as provided under Section 2.

The Village then argued that "[i]n such cases, personnel records such as a termination letter could be released to a third party. It is our position that since Ms. Ward never offered a

¹⁹Memorandum from Marc Miller[,], Attorney[,], and R. Gavin Gunter[,], Law Clerk[,], both of Miller & Hendren Law Office, to Katie Goldsmith, Assistant Attorney General, Public Access Bureau, [Office of the Attorney General] (undated), at [2].

²⁰Memorandum from Marc Miller[,], Attorney[,], and R. Gavin Gunter[,], Law Clerk[,], both of Miller & Hendren Law Office, to Katie Goldsmith, Assistant Attorney General, Public Access Bureau, [Office of the Attorney General] (undated), at [2].

²¹820 ILCS 40/5 (West 2024).

designation in writing authorizing Ms. Vucsko as her representative to review the termination letter, a release of the same would be in violation of the Act."²²

The Village's reliance on the aforementioned provisions of the PRRA is misplaced. The plain language of section 7(1) of the PRRA merely requires a public body to give notice to an employee when disclosing "a disciplinary report, letter of reprimand, or other disciplinary action to a third party." To the extent the termination letter constitutes a disciplinary report, letter of reprimand, or other disciplinary action within the scope of section 7(1) of the PRRA, that provision does not require the employee's consent before that information may be disclosed. In fact, section 7(2) of the PRRA²³ states that "written notice to the employee shall be by first-class mail to the employee's last known address and shall be mailed **on or before the day the information is divulged**" (emphasis added), indicating that the requirement to provide notice does not toll the deadline for responding to a request until the employee has had a reasonable opportunity to obtain and respond to the notice. The PRRA specifically authorizes employers to use this procedure to notify employees when records of disciplinary action are requested under FOIA. 820 ILCS 40/7(4) (West 2024) ("An employer who receives a request for records of a disciplinary report, letter of reprimand, or other disciplinary action in relation to an employee under the Freedom of Information Act may provide notification to the employee in written form as described in [section 7(2)] or through electronic mail, if available.")

Moreover, section 2(a)(1) of the PRRA²⁴ simply provides an employee with the right to review certain personnel records pertaining to the employee; it has no bearing on the availability of personnel records to third parties pursuant to FOIA. Similarly, section 5 of the PRRA permits an employee to designate a representative to inspect certain personnel records of the employee; no language in the provision could be construed as prohibiting disclosure of a termination letter pursuant to FOIA.

The PRRA prohibits disclosure of personnel records in only two instances, neither of which the Village cited in its response to the FOIA request or to this office, and neither of which are applicable to the termination letter. Section 11 of the PRRA²⁵ provides that "[t]his **Act shall not be construed to diminish a right of access to records already provided by law**, provided that disclosure of performance evaluations under the Freedom of Information Act shall

²²Memorandum from Marc Miller[,], Attorney[,], and R. Gavin Gunter[,], Law Clerk[,], both of Miller & Hendren Law Office, to Katie Goldsmith, Assistant Attorney General, Public Access Bureau, [Office of the Attorney General] (undated), at [2].

²³820 ILCS 40/7(2) (West 2024).

²⁴820 ILCS 40/2(a)(1) (West 2024) (providing that an employee has the right to inspect and obtain copies of "any personnel documents which are, have been or are intended to be used in determining that employee's qualifications for employment, promotion, transfer, compensation, benefits, discharge, or other disciplinary action, except as provided in Section 10.").

²⁵820 ILCS 40/11 (West 2024).

be prohibited." (Emphasis added.) The termination letter Ms. Vucsko requested is not a performance evaluation. The other prohibition, in section 8 of the PRRA,²⁶ requires that "[a]n employer shall review a personnel record before releasing information to a third party and, except when the release is ordered to a party in a legal action or arbitration, delete disciplinary reports, letters of reprimand, or other records of disciplinary action which are more than 4 years old." This provision prohibits disclosure of records of disciplinary action that are more than four years old at the time they are requested pursuant to FOIA. *See Johnson v. Joliet Police Department*, 2018 IL App (3d) 170726, ¶ 15. The termination letter Ms. Vucsko requested on August 11, 2025, was issued four days earlier on August 7, 2025.

Accordingly, this office concludes that the Village has not sustained its burden of demonstrating that the requested letter is exempt from disclosure pursuant to section 7(1)(a) or section 7.5(q) of FOIA and the PRRA.

Section 7(1)(c) of FOIA

Section 7(1)(c) of FOIA exempts from disclosure "[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Section 7(1)(c) defines "unwarranted invasion of personal privacy" as "the disclosure of information that is highly personal or objectionable to a reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information." However, the exemption also expressly provides that "[t]he disclosure of information that **bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.**" (Emphasis added.) The Attorney General has previously concluded that "[p]ublic records that concern a public employee's separation from employment with a public body directly bear on the public duties of that employee, if not also the employee's supervisor(s) and/or other public employees." *See Ill. Att'y Gen. Pub. Acc. Op. No. 25-010*, issued August 11, 2025, at 7.

In its response to this office, the Village argued that "[w]hile the reason for termination of a Village official may be in the public interest, our position is that the personal privacy of Ms. Ward regarding the purpose of her termination would outweigh the public interest in knowing precisely why she was terminated."²⁷ In her reply, Ms. Vucsko argued that the Village misapplied section 7(1)(c) because it failed to account for the exception set forth in the exemption for information that bears on the public duties of public employees and officials.²⁸

²⁶820 ILCS 40/8 (West 2024).

²⁷Memorandum from Marc Miller[,], Attorney[,], and R. Gavin Gunter[,], Law Clerk[,], both of Miller & Hendren Law Office, to Katie Goldsmith, Assistant Attorney General, Public Access Bureau, [Office of the Attorney General] (undated), at [2].

²⁸Letter from Tania Vucsko to [Katie] Goldsmith, Assistant Attorney General, Public Access Bureau, Illinois Attorney General's Office (October 12, 2025), at [2].

This office has reviewed the termination letter and confirmed that it directly and unequivocally bears on the public duties of the Village Clerk. Moreover, the letter does not describe any private affairs. Because FOIA defines "unwarranted invasion of personal privacy" as excluding information that bears on the public duties of public employees and officials, this office concludes that the Village improperly withheld the termination letter under section 7(1)(c) of FOIA.

Section 7(1)(n) of FOIA

Section 7(1)(n) of FOIA exempts from disclosure "[r]ecords relating to a public body's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed." While FOIA does not define "adjudication," the Illinois Appellate Court has construed the term for purposes of section 7(1)(n) as a "formalized legal process that results in a final and enforceable decision." *Kalven v. City of Chicago*, 2014 IL App (1st) 121846, ¶ 13 (citing Black's Law Dictionary 42 (7th ed. 1999)), *overruled in part on other grounds by Perry v. Department of Financial & Professional Regulation*, 2018 IL 122349. The court also emphasized that "the phrase 'related to' [in section 7(1)(n)] must be read narrowly." *Kalven*, 2014 IL App (1st) 121846, ¶ 22.

In its response to this office, the Village argued that "the termination letter relates to the 'adjudication of employee grievances or disciplinary cases' because it includes the reasoning behind the ultimate termination and not merely the 'final outcome' of the termination."²⁹ Ms. Vucsko's reply³⁰ contended that the Village did not conduct an adjudication pertaining to the Village Clerk's dismissal. Indeed, the Village provided no facts supporting the assertion that it conducted an adjudication of the matter that resulted in the termination letter, as opposed to a more informal decision-making process. *See* Ill. Att'y Gen. Pub. Acc. Op. No. 13-011, issued June 11, 2013, at 8 (city failed to prove records pertaining to an employee's disciplinary suspension were exempt under section 7(1)(n) where there was no indication that the matter culminated in an adjudicatory proceeding). Accordingly, the Village did not meet its burden of demonstrating by clear and convincing evidence that the termination letter is exempt pursuant to section 7(1)(n) of FOIA.

²⁹Memorandum from Marc Miller[,], Attorney[,], and R. Gavin Gunter[,], Law Clerk[,], both of Miller & Hendren Law Office, to Katie Goldsmith, Assistant Attorney General, Public Access Bureau, [Office of the Attorney General] (undated), at [2-3].

³⁰Letter from Tania Vucsko to [Katie] Goldsmith, Assistant Attorney General, Public Access Bureau, Illinois Attorney General's Office (October 12, 2025), at 2.

FINDINGS AND CONCLUSIONS

After full examination and giving due consideration to the information submitted, the Public Access Counselor's review, and the applicable law, the Attorney General finds that:

1) On August 11, 2025, Ms. Tania Vucsko submitted a FOIA request to the Village of Thomasboro seeking a copy of the Village Clerk's termination letter of August 7, 2025.

2) On August 18, 2025, the Village denied the request pursuant to section 7(1)(a) of FOIA in connection with various State statutes, including the PRRA, as well as sections 7(1)(c) and 7(1)(n) of FOIA.

3) On September 21, 2025, Ms. Vucsko submitted the Request for Review at issue contesting the withholding of the termination letter. Ms. Vucsko's Request for Review was timely filed and otherwise complies with the requirements of section 9.5(a) of FOIA (5 ILCS 140/9.5(a) (West 2024)).

4) On September 30, 2025, the Public Access Bureau forwarded a copy of the Request for Review to the Village together with a letter asking for an unredacted copy of the termination letter for this office's confidential review. The letter also requested a detailed explanation of the factual and legal bases for the applicability of the specific exemptions under which the Village withheld the letter.

5) On October 8, 2025, and October 9, 2025, the Village furnished the requested materials to this office. The Village's written response asserted that the requested termination letter was exempt from disclosure pursuant to only the PRRA and sections 7(1)(c) and 7(1)(n) of FOIA.

6) On October 10, 2025, this office forwarded a copy of the Village's response letter to Ms. Vucsko. On October 12, 2025, Ms. Vucsko submitted a written reply.

7) On November 20, 2025, the Public Access Bureau extended the time within which to issue a binding opinion 30 business days, to January 8, 2026. Accordingly, the Attorney General may properly issue a binding opinion with respect to this matter.

8) Section 7(1)(a) of FOIA exempts from disclosure "[i]nformation specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law." More specifically, section 7.5(q) of FOIA exempts from disclosure "[i]nformation prohibited from being disclosed by the Personnel Record Review Act."

9) Because no provision of the PRRA prohibited the Village from disclosing the termination letter, the Village failed to prove that section 7(1)(a) or section 7.5(q) of FOIA applies.

10) Section 7(1)(c) of FOIA exempts from disclosure "[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." Section 7(1)(c), however, provides that "[t]he disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy."

11) Because the termination letter concerns the performance of public duties by a public employee or official and not private affairs, section 7(1)(c) of FOIA does not apply.

12) Section 7(1)(n) of FOIA exempts from disclosure "[r]ecords relating to a public body's adjudication of employee grievances or disciplinary cases; however, this exemption shall not extend to the final outcome of cases in which discipline is imposed."

13) Because the Village did not demonstrate that the termination letter related to an "adjudication," the Village did not prove that the record is exempt from disclosure under section 7(1)(n) of FOIA.

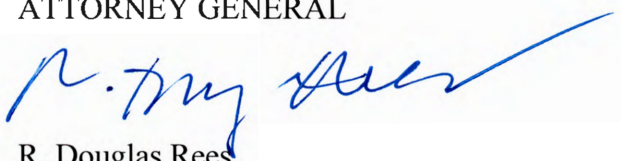
Therefore, it is the opinion of the Attorney General that the Village of Thomasboro has violated FOIA by improperly withholding the termination letter responsive to Ms. Vucsko's FOIA request. Accordingly, the Village is hereby directed to take immediate and appropriate action to comply with this opinion by disclosing an unredacted copy of the termination letter in a supplemental response to Ms. Vucsko's request.

This opinion shall be considered a final decision of an administrative agency for the purposes of administrative review under the Administrative Review Law. 735 ILCS 5/3-101 *et seq.* (West 2024). An aggrieved party may obtain judicial review of the decision by filing a complaint for administrative review with the Circuit Court of Cook County or Sangamon County within 35 days of the date of this decision naming the Attorney General of Illinois and Ms. Tania Vucsko as defendants. *See* 5 ILCS 140/11.5 (West 2024).

Sincerely,

KWAME RAOUL
ATTORNEY GENERAL

By:



R. Douglas Rees
Chief Deputy Attorney General

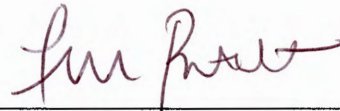
CERTIFICATE OF SERVICE

Leah Bartelt, Public Access Counselor, Public Access Counselor, hereby certifies that she has served a copy of the foregoing Binding Opinion (Public Access Opinion 25-016) upon:

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by causing a true copy thereof to be sent electronically to the addresses as listed above and by causing to be mailed a true copy thereof in correctly addressed, prepaid envelopes to be deposited in the United States mail at Chicago, Illinois on December 31, 2025.



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