



Illinois State Board of Education

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Jesse H. Ruiz
Chairman

Christopher A. Koch, Ed.D.
State Superintendent of Education

August 11, 2009

Ms. Stephanie Banchemo
Chicago Tribune
435 North Michigan Avenue
Chicago, Illinois 60611

RE: Freedom of Information Act Appeal

Dear Ms. Banchemo:

I am in receipt of your letter dated August 6, 2009, concerning your Freedom of Information Act request dated July 13, 2009.

In response to your letter, the requested information as well as relevant Family Education Rights and Privacy Act [FERPA] requirements have been reviewed.

Under FERPA regulations, the definition for "personally identifiable information" includes:

- (d) A personal identifier, such as the student's social security number, student number or biometric record ... 34 C.F.R. 99.3

Individual student identification numbers, such as ISBE's Student Information System ("SIS") numbers, have specifically been determined to be personally identifiable information by the Family Policy Compliance Office, and are, therefore, prohibited from disclosure. *FPCO Letter to University of Illinois re: Use of Student ID Numbers Under FERPA* (November 26, 2004).

There are no provisions within FERPA that allow the release of such information to unauthorized individuals through some type of confidentiality agreement. Prior release of this information does not eliminate the requirement that this agency follow the most appropriate procedures with regard to student identifiable information in light of the current request.

Health records in hospitals are governed by HIPAA, and ISBE is not able to comment on what records other entities may believe are available under the provisions of that Act.

Based on that review, I affirm the prior decision of this agency. The documents at issue in your recent letter are exempt from disclosure under FOIA Sections 7(1)(a) and 7(1)(b)(i) [105 ILCS 140/7 (1)(a) and 105 ILCS 140/7 (1)(b)(i)].

If you need further assistance, please feel free to contact Matt Vanover, Director of Public Information, at (217) 782-4648.

Sincerely,

Christopher A. Koch, Ed.D.
State Superintendent of Education