



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 29, 2010

Mr. Richard Koritz, State's Attorney
DeWitt County State's Attorney's Office
County Building
201 West Washington
Clinton, Illinois 61727

RE: Pre-Authorization Request – 2010 PAC 5196

Dear Mr. Koritz:

We have received and reviewed the written notice from DeWitt County (County) of its intent to deny disclosure of certain employment applications as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(c). The County's written notice relates to a FOIA request submitted by [REDACTED] for copies of "[a]ll employment applications forms received for the position of building maintenance worker at the DeWitt County Court House for the year of 2009" (Applications).

Section 7(1)(c) of FOIA exempts from inspection and copying "[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, unless disclosure is consented to in writing by the individual subjects of the information." 5 ILCS 140/7(1)(c). The exemption defines "[u]nwarranted 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." *Id.*

Determination

Applications for employment generally contain information that is personal in nature, the release of which would be objectionable to a reasonable person. Additionally, the fact that an individual is seeking employment and has applied for a position is information that a reasonable person would view as highly personal, and the release of such information is likely to be viewed as objectionable by most such individuals. Releasing to the public an individual's application for a position may negatively impact that individual's current employment, and the release of personal information about applicants also may negatively impact a public body's ability to attract qualified applicants for open positions.

Accordingly, as a result of our review, we have determined that the County may properly decline to disclose under Section 7(1)(c) the applications submitted for the position of building maintenance worker in 2009. The County's use of the Section 7(1)(c) exemption in this case is **approved**. Please note that this analysis is limited only to the applications of those who sought the position of building maintenance worker in 2009 and not to the applications of those who were ultimately selected for the position.

Should you have questions or concerns, please feel free to contact me at (312) 793-0865. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:


Sara Gadola Gallagher
Deputy Public Access Counselor

cc:

