



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

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ATTORNEY GENERAL

May 18, 2011

Mr. Max A. Caproni, Executive Director
City of Chicago Police Board
30 N. LaSalle St., Ste. 1220
Chicago, IL 60602

Re: FOIA Pre-Authorization Request – 2011 PAC 14101

Dear Mr. Caproni:

We have received and reviewed the written notice from the City of Chicago Police Board (Police Board) of its intention to deny disclosure of certain information pursuant to section 7(1)(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(c) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010). Specifically, on April 27, 2011, Mick Dumke of the *Chicago Reader* submitted a FOIA request for copies of résumés and responses to essay questions sent to the Police Board by applicants for the position of superintendent of the City of Chicago Police Department. The Police Board is seeking to withhold all records responsive to that request.

Information in public records is exempt personal information if disclosure would “constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information.” 5 ILCS 140/7(1)(c) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010. An “[u]nwarranted invasion of personal privacy” is 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.” 5 ILCS 140/7(1)(c) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010).

DETERMINATION

The Police Board's request to withhold the records under section 7(1)(c) is **approved in part and denied in part**. We determined in 2010 PAC 5196 that applications for employment are exempt from disclosure under section 7(1)(c), unless the applicant is selected for the position. We noted that employment applications generally contain highly personal

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information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. We also noted that disclosure of employment applications could negatively impact an applicant's current employment and hamper a public body from attracting qualified applicants for open positions. Ill. Att'y Gen. Pre-Auth. al5196, issued July 29, 2010. We confirmed that reasoning with respect to unsuccessful applicants in 2010 PAC 7704, but also concluded that the application information of a selected candidate is not exempt from disclosure under section 7(1)(c). Our determination in that matter noted the diminished privacy interest of a candidate whose selection has been publicly announced as well as the stronger public interest in disclosure of information regarding a selected candidate. Ill. Att'y Gen. Pre-Auth dl 7704, issued August 2, 2010.

In this instance, a candidate for the superintendent position has been selected. Although that selection has not been approved by the City Council, the selected candidate has been publicly identified by the Mayor of Chicago and subjected to substantial media coverage. Under these circumstances, the Police Board has not sustained its initial burden of demonstrating that the selected candidate's résumé and responses to essay questions are exempt from disclosure under section 7(1)(c). We conclude that the selected candidate's privacy interest in those materials is outweighed by the strong public interest in disclosure of information regarding his qualifications. However, the Police Board has sustained its initial burden of demonstrating that the résumés and responses to essay questions submitted by unsuccessful applicants are exempt from disclosure under section 7(1)(c). We conclude that the privacy interest of unsuccessful applicants outweighs the public interest in disclosure of their application materials.

If you have any questions, please contact me at (312) 814-6756. This correspondence shall serve to close this matter.

Very truly yours,


STEVE SILVERMAN
Assistant Attorney General
Public Access Bureau

cc: Mr. Mick Dumke
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