



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 9, 2011

Ms. Rose Rostamo
Freedom of Information Act Officer
Rockford Park District
401 South Main Street
Rockford, Illinois 61101-1321

RE: FOIA Pre-Authorization Request - 2011 PAC 14437

Dear Ms. Rostamo:

We have received and reviewed the written notice from the Rockford Park District of its intention to deny disclosure of certain information under 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). On May 18, 2011, Mr. Kevin Haas submitted a FOIA request to the Department for "resumes submitted by all applicants for the position of chief of the Rockford Park District Police Department." The Department seeks pre-authorization to deny this request.

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 the disclosure is consented to in writing by the individual subjects of the information." The exemption 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." The exemption further provides that the "disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy."

DETERMINATION

The Department's use of the exemption in section 7(1)(c) to withhold the resumes submitted by applicants who were not hired is **approved**. We have concluded that the Department has met its initial burden of demonstrating that disclosure of resumes of applicants who were not hired would constitute a clearly unwarranted invasion of personal privacy. These

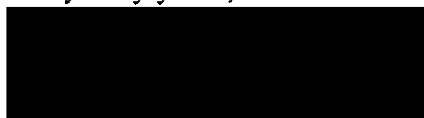
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resumes contain information by which the applicants could be identified, such as schools attended, current and former employment, and references. The fact that an individual is seeking employment is highly personal, and the subjects' right to privacy outweighs the legitimate public interest in obtaining this information. The resumes of applicants who were not hired do not relate to the public duties of any public employee.

However, the Department's request to use the exemption in section 7(1)(c) to withhold the resume submitted by any applicant who was hired is **denied**. The resume of a successful applicant contains information that bears on that public employee's public duties. Therefore, such resumes are not exempt in their entirety under section 7(1)(c). If the resume of any applicant who was hired contains information that is highly personal and that does not bear on the employee's public duties, the Department may submit a new pre-authorization request identifying specific information in a resume or resumes that it believes is exempt under section 7(1)(c).

If you have any questions, please contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Very truly yours,



SARAH KAPLAN
Assistant Attorney General
Public Access Bureau

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cc: *Via electronic mail*
Mr. Kevin Haas
Rockford Register Star
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