



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

June 16, 2011

*Via Electronic Mail*

Mr. Max Caproni  
Executive Director, City of Chicago Police Board  
Max.caproni@cityofchicago.org

RE: FOIA Pre-Authorization Request - 2011 PAC 14736

Dear Mr. Caproni:

We have received and reviewed the written notice from the City of Chicago Police Board (Board) of its intention to deny certain information as exempt from disclosure 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. Mick Dumke, staff reporter for the *Chicago Reader*, submitted a FOIA request to the Board seeking the following documents:

1. Copies of the resumes and responses to the essay questions submitted by finalists for police superintendent picked by the Chicago Police Board; and
2. A copy of the report the police superintendent applicants submitted to Rahm Emanuel and his administration/transition team, which he referenced in a press conference.

The Board supplied Mr. Dumke with a copy of the document referenced in request 2. In its June 9, 2011, written notice to this Office, however, the Board asserts that documents responsive to request 1 are exempt from disclosure under section 7(1)(c) of FOIA, which 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

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which the subject's right to privacy outweighs any legitimate public interest in obtaining the information."

#### DETERMINATION

The Board's determination to withhold the resumes and answers to essay questions of unsuccessful candidates pursuant to section 7(1)(c) is **approved**. This Office has previously concluded that applications for employment are exempt from disclosure under section 7(1)(c), unless the applicant is selected for the position. *See* 2010 PAC 6805 (Ill. Att'y Gen. PAC Pre-Auth. al6805, issued April 21, 2010). In 2010 PAC 6805, we noted the following with regard to the disclosure of application records of unsuccessful candidates for the presidency position at the University of Illinois:

Publication of an individual's application for a position can negatively impact that individual's current employment and the release of personal information about applicants may also negatively impact a public body's ability to attract qualified applicants for open positions. 2010 PAC 6805 (Ill. Att'y Gen. PAC Pre-Auth. al6805, issued April 21, 2010 at page 1).

This Office also determined in 2010 PAC 14101 that the responses to essay questions submitted by unsuccessful applicants for the Chicago Police Superintendent position are exempt from disclosure under section 7(1)(c). *See* 2010 PAC 14101 (Ill. Att'y Gen. PAC Pre-Auth. al dl 14101, issued May 18, 2011 at page 2). Accordingly, this Office renews our finding that the Board has met its initial burden in demonstrating that the resumes of unsuccessful candidates and their responses to essay questions are exempt from disclosure under section 7(1)(c). The Board must disclose all application materials related to the selected applicant to Mr. Dumke if the Board has not already done so. If you have any questions, please contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Very truly yours,

  
MATTHEW C. ROGINA  
Assistant Attorney General  
Public Access Bureau

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*Via Electronic Mail*  
cc: Mr. Mick Dumke  
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