



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 7, 2010

Andrew Boron
Deputy Chief of Staff
Illinois State Toll Highway Authority
2700 Ogden Avenue
Downers Grove, Illinois 60515

RE: Pre-Authorization Request – 2010 PAC 6229

Dear Mr. Boron:

We have received and reviewed the written notice from the Illinois State Toll Highway Authority ('Illinois Tollway') 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).

On March 5, 2010, Ms. Marni Pyke, on behalf of the Daily Herald, submitted a FOIA request for the names and resumes of all the people who had applied for the Tollway Executive Director position.

In response, the Illinois Tollway released the names and resumes of the applicants who had advanced to the final interviewing process for the position of Executive Director of the Illinois Tollway. However, the Illinois Tollway asserts that the names and resumes of the unsuccessful applicants who failed to make the first cut are exempt from disclosure under Section 7(1)(c) of FOIA.

Determination

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." 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." *Id.*

The Illinois Tollway's use of Section 7(1)(c) exemption to withhold the names and resumes of the applicants who were not considered for the position of Executive Director of the Illinois Tollway is **approved**. We have determined that these unsuccessful applicants have a reasonable expectation of privacy in seeking current and future employment which outweighs any public

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interest in obtaining such information. As the Illinois Tollway stated in its denial letter, the disclosure of these applicants' names and resumes could adversely affect their current employment and/or livelihood. Accordingly, the Illinois Tollway has met its burden of demonstrating that this information is exempt from disclosure under Section 7(1)(c) of FOIA.

If you have any questions, please feel free to contact me at (312) 814-6437. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:


Tola Adewola
Assistant Public Access Counselor

cc: Marni Pyke
Daily Herald
P.O. Box 280
Arlington Heights, IL 60006