



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 17, 2011

Dr. Michael Kuzniewski, Superintendent
J. Sterling Morton High School District No. 201
3145 S. 55th Avenue
Cicero, IL 60804

RE: FOIA Pre-Authorization Request - 2011 PAC 14747

Dear Dr. Kuzniewski:

We have received and reviewed the written notice from J. Sterling Morton High School District No. 201 (School 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). Specifically, on May 20, 2011, Steve Warmbir requested copies of various personnel records regarding [REDACTED] including his résumé and job application. The School District is seeking to redact [REDACTED] personal references.

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."

DETERMINATION

The School District's use of the exemption in section 7(1)(c) to withhold [REDACTED] personal references is **denied**. We recently determined that disclosure of the names of a successful applicant's personal references would not constitute an unwarranted invasion of personal privacy. Ill. Att'y Gen. PAC Pre-Auth. al12240, issued June 1, 2011. Unlike a letter of recommendation, which expresses specific opinions and regarding which the author has a reasonable expectation of privacy, the identity of an individual who is merely listed as a reference for a successful applicant for public employment is not highly personal information.

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Disclosure of such information would not be objectionable to a reasonable person, nor would disclosure of the names of personal references constitute an unwarranted invasion of the applicant's or the references personal privacy. Therefore, we conclude that the School District has not sustained its initial burden of demonstrating that this information is exempt from disclosure under section 7(1)(c).

The School District also indicates that it intends to redact additional information from the records pursuant to section 7(1)(b) of FOIA (5 ILCS 140/7(1)(b) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010) of FOIA. Because advance approval by the Public Access Counselor is not required for the assertion of exemptions other than sections 7(1)(c) and 7(1)(f) (5 ILCS 140/7(1)(f) (West 2009 Supp.); as amended by Public Act 96-1378, effective July 29, 2010), we make no determination at this time regarding the applicability of any other exemptions.

Accordingly, the School District may issue a partial denial letter and release the records to Mr. Warmbir, if it has not already done so.

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

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cc: Mr. Steve Warmbir, Staff Reporter
Chicago Sun-Times
350 North Orleans St., 9th Floor
Chicago, IL 60654