OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 26, 2011

Ms. Cindy Smiley
City of Woodstock
121 West Calhoun Street
Woodstock, Illinois 60098

RE: FOIA Pre-Authorization Request – 2011 PAC 14262

Dear Ms. Smiley:

We have received and reviewed the written notice from the City of Woodstock 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 16, 2011, [redacted] requested "employee sick time balances by name for all employees, plus the total accrued balance." In its written notice, the City asserts that employees' sick time balances are exempt under section 7(1)(c).

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 "disclosure of information that bears on the public duties of public employees shall not be considered an invasion of personal privacy." 5 ILCS 140/7(1)(c) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010.

DETERMINATION

The City's request to withhold employee sick time balances under section 7(1)(c) is **denied**. We have determined that disclosure of employee sick time balances would not constitute an unwarranted invasion of personal privacy. The City argues that sick time balances

do not relate to public employees' public duties because the employees' contracts allow a certain amount of compensated sick time. However, the employees' actual use of that sick time does bear on their public duties because it reflects absences from work and eligibility for compensation for those absences. In addition, disclosure of employee sick time balances would not reveal any specific medical conditions. Accordingly, we conclude that the City has not sustained its burden of demonstrating that these records are exempt from disclosure 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

cc:

cc: Ms. Ruth Schlossberg
Zukowski, Rogers, Flood & McArdle
50 Virginia Street
Crystal Lake, Illinois 60014