



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 27, 2011

Ms. Jennifer Soule
Soule, Bradtke & Lambert
155 N. Michigan Avenue, Suite 504
Chicago, Illinois 60601

RE: FOIA Pre-Authorization Request - 2010 PAC 5741

Dear Ms. Soule:

We have received and reviewed the written notice from the Aurora Housing Authority (AHA) 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 January 28, 2010, [REDACTED] submitted a FOIA request to the AHA seeking copies of the "portion of each resume received as of COD January 28 and if possible 29, 2010, for the position of executive director, which shows the applicant's name, current employer and description of duties and/or accomplishments."

In its February 4, 2010 written notice to this Office, the AHA asserts that the resumes are exempt from disclosure under section 7(1)(c) of FOIA. 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." 5 ILCS 140/7(1)(c) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010.

Ms. Jennifer Soule
June 27, 2011
Page 2

DETERMINATION


The AHA's use of the 7(1)(c) exemption for the resumes of unsuccessful candidates for the executive director position 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).

As a result, this Office renews our finding that the AHA has met its initial burden in demonstrating that the resumes of unsuccessful candidates are exempt from disclosure under section 7(1)(c). The AHA must disclose all applications materials related to the selected applicant if the AHA 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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cc: 