



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 12, 2011

Via Electronic Mail

Ms. Christina Sayles
Freedom of Information Act Officer
Southern Illinois University at Carbondale
Csayles@siu.edu

RE: FOIA Pre-Authorization Request - 2011 PAC 12475

Dear Ms. Sayles:

We have received and reviewed the written notice from Southern Illinois University (University) 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 2010)).

On February 3, 2011, Ms. Terry Moreland, on behalf of Meridian Community Unit School District 101, submitted a FOIA request to the University seeking documents relating to the employment of Ms. Melinda Yeomans. In its February 17, 2011, written notice to this office, the University asserts that it seeks to withhold a document from disclosure entitled "Notice of Extra Help Civil Service Appointment" (herein referred to as Notice), pursuant to 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 which the subject's right to privacy outweighs any legitimate public interest in obtaining the information." 5 ILCS 140/7(1)(c) (West 2010). Section 7(1)(c) of FOIA, further provides that "*[t]he disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.*" (Emphasis added.) The University supplied us with a copy of the Notice on July 8, 2011.


Ms. Christina Sayles
July 12, 2011
Page 2

DETERMINATION

The University's request to withhold the Notice in its entirety is **denied**. This office has previously concluded that documents relating to an individual's public duties, such as a resume or questionnaire, are not exempt from disclosure under section 7(1)(c). *See* 2010 PAC 6410 (Ill. Att'y Gen. PAC Pre-Auth. al dl6410, issued August 2, 2010) and 2010 PAC 6643 (Ill. Att'y Gen. PAC Pre-Auth. dl6643, issued July 22, 2010). Based on our review, the Notice clearly can be said to relate to Ms. Yeoman's public duties. Moreover, this office has also concluded that the public has a legitimate interest in knowing the answers that an employee has furnished to a public body to questions about a possible criminal record, child abuse, tax fraud, past due child support, loan defaults, and license suspensions. *See* 2010 PAC 6410 (Ill. Att'y Gen. PAC Pre-Auth. al dl6410, issued August 2, 2010, at 3). Similarly, disclosure of the answers that Ms. Yeoman furnished to the University that are contained in the Notice would be of a legitimate public interest that outweighs Ms. Yeoman's right to privacy. Therefore, we find that the Notice is not exempt from disclosure under section 7(1)(c). The University may however, redact Ms. Yeoman's race,¹ date of birth, marital status, and emergency contact information from the Notice.

Accordingly, this office finds that the University has not met its initial burden of demonstrating that the Notice is exempt in its entirety under section 7(1)(c) and must disclose the Notice to Ms. Moreland. This correspondence shall serve to close this matter. If you have any questions, you may contact me at (312) 814-5383.

Very truly yours,


MATTHEW C. ROGINA
Assistant Attorney General
Public Access Bureau

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cc: Ms. Terry Moreland
Meridian Community Unit School District 101
208 Valley Road
Mounds, Illinois 62964

¹ *See CBS v. Partee*, 198 Ill.App.3d 936, 945 (1st Dist. 1990).