



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

Mr. Thomas Somer
Corporation Counsel
City of Chicago Heights
1601 Chicago Road
Chicago Heights, Illinois 60411

Re: FOIA Pre-Authorization Request – 2011 PAC 15970

Dear Mr. Somer:

We have received the written notice from the City of Chicago Heights of its intention to deny disclosure of certain information pursuant to section 7(1)(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(c) (West 2010)). On July 28, 2011, [REDACTED] requested copies of the front pages of all employment applications submitted to the City between April 2011, and July 29, 2011. The City is seeking to withhold those records in their entirety 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."

DETERMINATION

The City's request to withhold the records under section 7(1)(c) is **approved in part and denied in part**. The Public Access Bureau has previously determined that applications for employment are exempt from disclosure under section 7(1)(c), unless the applicant is selected for the position. Ill. Att'y Gen. Pre-Auth. al5196, issued July 29, 2010. In doing so, we noted that employment applications generally contain highly personal information, the disclosure of


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which would constitute a clearly unwarranted invasion of personal privacy. We also noted that disclosure of employment applications could negatively impact an applicant's existing employment and hamper a public body from attracting qualified applicants for open positions.

The Public Access Bureau subsequently applied that reasoning with respect to unsuccessful applicants, but also concluded that the application information of selected candidates is not exempt from disclosure under section 7(1)(c). Ill. Att'y Gen. Pre-Auth dl 7704, issued August 2, 2010. Our determination in that matter noted the stronger public interest in disclosure of information regarding applicants who were selected for public employment. Accordingly, the City must disclose the front pages of employment applications of successful candidates for employment pursuant to this request. However, the City has sustained its initial burden of demonstrating that records pertaining to applicants who were not hired are exempt from disclosure under section 7(1)(c).

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

15970 preauth al/dl 7(1)(c) emp priv mun

cc: 