



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 3, 2011

Ms. Angela Kneisel
FOIA Officer
Carol Stream Fire Protection District
P.O. Box 88717
Carol Stream, Illinois 60188

RE: FOIA Pre-Authorization Request - 2011 PAC 15676

Dear Ms. Kneisel:

We have received and reviewed the written notice from the Carol Stream Fire Protection 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 2010)). On July 11, 2011, [REDACTED] submitted a FOIA request to the Carol Stream Fire Protection District for records containing the following information:

any and all employees within the police and fire department which were employed in 2010 in electronic format and emailed. This data should include, but is not limited to the following items: first name, middle initial, last name, gender, annual wages (2010), annual overtime pay (2010), position title, employee pension contribution amount (2010), hire date, status (full-time, part-time, etc.), employer name, employer pension contribution amount (2010).

On July 15, 2011, the District provided [REDACTED] with the following information about fire department employees: first name, middle initial, last name, gender, annual wages (2010), annual overtime pay (2010), position title, hire date, status (full-time, part-time, etc.), employer name, and employer pension contribution amount (2010). The District also provided [REDACTED] with firefighters' pension contributions that are automatically deducted from their pay based on statute. The District seeks to withhold voluntary employee contributions to a deferred compensation program 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

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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 District's use of the exemption in section 7(1)(c) to withhold the amounts of voluntary employee contributions to the deferred compensation program is **approved**. These voluntary contributions reflect each employee's choice of how to invest his or her income. We agree that this information is highly personal, and the employee's right to privacy outweighs any legitimate public interest in this information. These contributions do not bear on the employees' duties or relate to the receipt or use of public funds. Thus, the District has sustained its initial burden of demonstrating that the voluntary employee contributions to deferred compensation are exempt under section 7(1)(c).

The District also asserts that the employee voluntary contribution amounts are exempt under section 7(1)(b) of FOIA (5 ILCS 140/7(1)(b) (West 2010)). Because advance approval by the Public Access Counselor is not required for the assertion of exemptions other than those in sections 7(1)(c) and 7(1)(f) (5 ILCS 140/7(1)(f) (West 2010)), we make no determination at this time regarding the applicability of any other exemption.

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

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