



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 12, 2010

Janet McGowan, FOIA Officer
Village of Elburn
301 E. North Street
Elburn, IL 60119

Re: Pre-Authorization Request- 2010 PAC 6619

Dear Ms. McGowan,

We have received and reviewed the written notice from the Village of Elburn (Elburn) of its intent to deny disclosure of an employee's resignation letter as exempt under subsection 7(1)(c) of the Freedom of Information Act. 5 ILCS 140/1 *et seq.*, as amended (FOIA).

On March 29, 2010, [REDACTED] requested the resignation letter of Ms. Susan Williams. Elburn seeks to withhold the entire record under subsection 7(1)(c) of FOIA asserting that "the personal information contained within this public record would constitute a clearly unwarranted invasion of personal privacy on the part of the subject of the information."

After reviewing the letter, we have determined that the exemption in subsection 7(1)(c) does not apply to this document and, therefore, pre-authorization is **denied**. Subsection 7(1)(c) exempts from disclosure "personal information ... the disclosure of which would constitute a clearly unwarranted invasion of personal privacy". 5 ILCS 140/7(1)(c). An unwarranted invasion of personal privacy is defined in FOIA 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." *Id.* Subsection 7(1)(c), however, specifically provides that the "disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy" *Id.*

Pursuant to section 1.2 of FOIA, the "public body that asserts that a record is exempt from disclosure has the burden of proving by clear and convincing evidence that it is exempt." The information contained in the letter bears upon Ms. Williams duties as a public employee. Elburn, therefore, has failed to meet its burden of proving that the disclosure of the letter would constitute an unwarranted invasion of personal privacy.

If you have any questions, please feel free to contact me directly at (312) 814-6437. This letter shall serve to close this file.

Sincerely,

Cara Smith
Public Access Counselor

By:

Lola Dada-Olley

Lola Dada-Olley
Assistant Public Access Counselor

cc:

