



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

April 20, 2010

Jonathon England
Illinois Emergency Management Agency
1035 Outer Park Drive
Springfield, IL 62704-4462

RE: Request for Pre-Approval of Use of Exemption 7(1)(c)
Request for Review, 2010 PAC 5681

Dear Mr. England,

We have received and reviewed the written notice from the Illinois Emergency Management Agency (IEMA) of its intent to deny disclosure of a specified list of information which IEMA considers to be "personal" and exempt from disclosure under subsection 7(1)(c) of the Freedom of Information Act. 5 ILCS 140/1 *et seq.*, as amended (FOIA). This list includes the following:

"CMS Employment Application (CMS 100): Address, home telephone number, citizenship status, veterans preference status, salary, prior employment information (such as former duties and responsibilities and reason for leaving and former salary), ethnicity, prior education information (such as the name of school attended, major, type of degree earned, major fields of study,) gender.

University Transcripts: Grade point average, type of degree earned, class rank, grade results, status or dismissal information, names and addresses of parents or guardian.

Resume: Name of institution attended, prior experience, course identification, member organizations attended.

Diploma: Degree earned and name of institution attended."

By way of review, this matter originally came to the Office of the Public Access Counselor from [REDACTED] as a Request for Review of IEMA's alleged failure to timely respond to [REDACTED] January 22, 2010 written request for information. In response to my February 16, 2010 letter of inquiry to IEMA, you explained the circumstances underlying the delay in responding to [REDACTED] request. You further indicated that IEMA had requested the responsive records from the Illinois Shared Services Agency, and that upon IEMA's receipt of the same, they would be "review[ed] and process[ed] according to FOIA requirements."

Since receiving a copy of IEMA's Request for Pre-Approval of Use of Exemption 7(1)(c), the requester, [REDACTED] has advised this office both verbally and in writing, that he has no interest in obtaining much of the information which IEMA seeks to exempt as noted above and in its request for pre-approval. As such, [REDACTED] has voluntarily narrowed his request so as **exclude** the following information: address, home telephone number, citizenship status, veterans preference status, salary, reason for leaving prior employment and former salary, ethnicity, gender, grade point average, class rank, grade results, status or dismissal information, names and addresses of parents or guardian, and member organizations attended.

As such, the only remaining information which [REDACTED] seeks, as it pertains to "current incumbents" is as follows: prior employment information (such as former duties and responsibilities), prior education information (such as the name of school and institutions attended, major, type of degree earned, major fields of study) and any course identification(s) noted on the responsive resumes, to the extent they are included.

IEMA's use of the Section 7(1)(c) exemption with regard to the prior employment information (such as former duties and responsibilities), prior education information (such as the name of school and institutions attended, major, type of degree earned, and major fields of study) and any course identification(s) noted on the responsive resumes, concerning current incumbents is **denied**. 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." 5 ILCS 140/7(1)(c). 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." However, subsection 7(1)(c) also 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.* The disclosure of successful candidates' qualifications for public employment is not highly personal or objectionable to a reasonable person. The information sought by [REDACTED] will provide insight into the successful candidates' education and job qualifications, which will allow the public, appropriately, to scrutinize the public body's decisions in making the relevant hires.

We recognize that some of the records at issue may contain some information that may be redacted under other exemptions in FOIA, including but not necessarily limited to, the Section 7(1)(b) exemption to withhold "private information" as narrowly defined in FOIA.

Accordingly, IEMA should redact the information which [REDACTED] does not seek, as noted above, along with any other exempt information (provided those exemptions are properly cited and detailed), and release copies of the responsive records directly to Mr. Skaar.

Should you have questions or concerns, please feel free to contact me at (217) 557-0548. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:



Heather V. Kimmons
Deputy Public Access Counselor

cc:

