



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

Lisa Madigan
ATTORNEY GENERAL

April 26, 2010

Jeff Puma
Freedom of Information Officer
Community High School District 155
One South Virginia Road
Crystal Lake, Illinois 60014

RE: Pre-Authorization Request – 2010 PAC 6892

Dear Mr. Puma:

We have received and reviewed the written notice from the Community High School District 155 (School District) 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 140/1 *et seq.*, as amended. The School District is seeking to withhold “the names of any faculty members who are currently on leave of absence and the date(s) such leave(s) of absence began.”

██████████ submitted a FOIA request on April 8, 2010, seeking the following:

1. A public statement on “the possible theft of money from South High School account.”
2. Names of any faculty members who are currently on leave(s) of absence and the date(s) said leave(s) began.

The School District provided the requested public statement, but denied the remainder of the requested information under Section 7(1)(c). In its written notice, the School District asserted that the disclosure of employees’ leaves of absence would result in a clearly unwarranted invasion of the employees’ personal privacy because such leaves are highly personal events, may be unpaid and their disclosure would be objectionable to a reasonable person. Additionally, the

Mr. Jeff Puma
April 26, 2010
Page 2

School District stated that the employees have not consented to this disclosure and any legitimate public interest in the information is outweighed by the employees' right to privacy.

Determination

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 disclosure is consented to in writing by the individual subjects of the information." 5 ILCS 140/7(1)(c). The exemption defines "[u]nwarranted 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." *Id.* The disclosure of information that bears upon the duties of public employees, however, "shall not be considered an invasion of personal privacy." *Id.*

The School District's use of the Section 7(1)(c) exemption with regard to the names of faculty members who are currently on leaves of absence and the dates said leaves began is denied. We have determined that the names of public employees who are on a leave of absence and the dates that said leaves of absence began bears on their public duties and the disclosure of this information would not constitute a clearly unwarranted invasion of personal privacy. Whether a public employee is currently working or on a leave of absence is information, to which the public has a right to know. Moreover, even if an employee had a right to privacy with regard to this type of information, any such right is outweighed by the public's legitimate interest in obtaining this information.

Accordingly, the School District should provide [REDACTED] with the names of faculty members currently on leaves of absence and the dates upon which any such leaves commenced.

Thank you in advance for your cooperation. If you have any questions, please feel free to contact me at (312) 814-5206. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

[REDACTED]

Amalia Rioja
Chief Deputy Public Access Counselor

cc:

[REDACTED]