



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

March 15, 2011

City of Batavia  
City Administrator William R. McGrath  
100 North Island Avenue  
Batavia, IL 60510

Re: Pre-authorization request – 2011 PAC 12849

Dear Mr. McGrath:

We have received from the City of Batavia a notice of intention to deny disclosure of certain information requested under the Freedom of Information Act. 5 ILCS 140/1 *et seq.*, as amended. [REDACTED] requested “[c]opies of any résumés and/or cover letters received regarding the recent open position for Assistant City Administrator.” The City requested pre-approval to withhold those records pursuant to Section 7(1)(c) (5 ILCS 140/7(1)(c)).

Information in public records is exempt personal information if disclosure 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). An “[u]nwarranted invasion of personal privacy” is 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 City’s request to withhold the records under Section 7(1)(c) is approved. We determined in 2010 PAC 5196 that applications for employment are exempt from disclosure under Section 7(1)(c), unless the applicant is selected for the position. We noted that employment applications generally contain highly personal information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. We also noted that disclosure of employment applications could negatively impact an individual’s current employment and hamper a public body from attracting qualified applicants for open positions. The City indicated that its search for an assistant city administrator is ongoing and no applicant has been selected. Accordingly, we conclude that the City has sustained its initial burden of demonstrating that all the résumés and cover letters requested by [REDACTED] are exempt from disclosure under Section 7(1)(c).

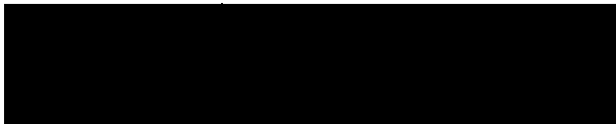
This letter shall serve to close this file. If you have any questions, please feel free to contact me at (312) 814-6756 or [ssilverman@atg.state.il.us](mailto:ssilverman@atg.state.il.us).

Sincerely,

A solid black rectangular redaction box covering the signature of Steve Silverman.

Steve Silverman  
Assistant Public Access Counselor

cc:

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