



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

July 22, 2010

Mr. Tom Hernandez  
Director of Community Relations  
Plainfield Community Consolidated School District 202  
15732 Howard Street  
Plainfield, Illinois 60544

RE: FOIA Pre-Authorization Request – 2010 PAC 6643

Dear Mr. Hernandez:

We have received and reviewed the documents that our Office requested on April 22, 2010 with respect to your notice of intention to deny disclosure of specific information pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et-seq.*, as amended.

Specifically, on April 1, 2010, [REDACTED] submitted a FOIA request to the Plainfield School Community Consolidated School District 202 (District) seeking the following information relating to [REDACTED]:

1. Employment Application
2. Resume
3. Termination/Resignation Documents/Rehire Status
4. Last physical workday that [REDACTED] completed with the District.

On April 5, 2010, the District submitted a pre-authorization request to our Office, asserting that the employment application and resume of [REDACTED] are exempt, in their entirety, from disclosure under Section 7(1)(c) of FOIA. On April 13, 2010, our Office sent a further inquiry letter requesting a copy of the employment application and resume. On April 22, 2010, the District supplied us with a copy of the requested documents and a detailed analysis as to why Section 7(1)(c) applies.

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.*

## Determinations

The District's request for approval of its decision to withhold [REDACTED] employment application and resume in their entirety pursuant to Section 7(1)(c) is denied.

The District argues that this information should be withheld because it amounts to an invasion of [REDACTED]'s privacy and is exempt under Section 7(1)(c). Language in Section 7(1)(c) states that the disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of privacy.

While job applications contain information that is personal in nature, people who accept public employment have a reasonable expectation that their qualifications will be subject to public scrutiny. The disclosure of the job applications of a successful candidate allows private citizens insight into the employment decisions of public bodies. In some instances, the public interest in accessing these job applications outweighs the privacy rights of the public employee. Such disclosure is even more crucial when concerning the high-profile administrative posts.

In its April 22 letter to our Office, the District argues that the resume and employment application are part of the pre-decisional employment process and is separate from a personnel file. The District supports its argument by citing *Gekas v. Williamson*, 393 Ill.App.3d 573 (4<sup>th</sup> Dist. 2009). In *Gekas*, the Court considered a FOIA request by a citizen against a deputy sheriff seeking the disclosure of citizen complaints filed against the deputy. 393 Ill.App.3d 573, 574. The Court analyzed that the personal privacy exemption as it applied to his personnel files and decided that what a police officer did by the authority of his or her badge does not have the personal connotations of an employment application, tax form or a request for medical leave. 393 Ill.App.3d 573, 583.

However, the holding in *Gekas* does not create an all-encompassing exemption for employment applications and resumes. Rather, the Court in *Gekas* simply referred to an internal affairs document as a document that is less personal in nature than an employment application.

The fact that a document contains personal connotations does not mean it is completely exempt from disclosure under Section 7(1)(c). In order to properly assert a Section 7(1)(c) exemption, the public body is still obligated to apply a balancing test and determine if the private nature contained within the documents outweighs the public's right to obtain that information.

With regard employment applications and resumes, the information furnished in these documents is almost exclusively professional. Often times, "personal connotations" within a resume or employment application are simply home addresses, telephone numbers and social security numbers and maybe properly withheld under Section 7(1)(b).

The District argues that the personal information about an individual furnished in a resume or employment application contain personal information about an individual, including grades, personal references, personal statements, descriptions of personal characteristics and beliefs. The type of personal information that the District describes, however, is not what the District has supplied us with in [REDACTED]'s employment application and resume. In this instance, [REDACTED]

applied for an administrative post with the District. In [REDACTED]'s resume, she stated that her professional objective was to secure an administrative post in a student-centered building.

With regard to personal statements furnished in [REDACTED]'s employment applications, she responded to the following questions:

1. What personal characteristics define an excellent administrator?
2. From your point of view, how important is technology in education? What technology-related skills can you contribute to a school district?

As to [REDACTED]'s answer to Question 1, the personal characteristics she defines are traits that [REDACTED] believes are necessary to excel as an academic administrator. [REDACTED]'s answers reflect her professional judgment and it is likely that she relied on this judgment during her tenure with the District.

Aside from personal identifiers, such as a telephone number, home address and an e-mail address, there is nothing in either the resume or employment application that could be considered a highly unwarranted invasion into [REDACTED]'s privacy that falls within the exemption of Section 7(1)(c). Other than a college grade point average, the resume and employment application are almost exclusively professional and detail [REDACTED]'s professional goals, past professional accomplishments, past employment and academic related awards, all of which can be said to bear a relation on her public duties as a school administrator.

Based on this analysis, the District has not met its burden under Section 7(1)(c) and should disclose the resume and employment application to [REDACTED]

If you have any questions or concerns, please contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith  
Public Access Counselor

By: [REDACTED]

[REDACTED]  
Matthew C. Rogina  
Assistant Public Access Counselor

cc: [REDACTED]