



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 29, 2010

Claudia D. Manley
Acting FOIA Officer
Illinois Department of Labor
160 North LaSalle Street
Suite C-1300
Chicago, Illinois 60601-3150

RE: Pre-Authorization Request – 2010 PAC 7572

Dear Ms. Manley:

We have received and reviewed written notice from the Illinois Department of Labor (IDOL) of its intention to deny disclosure of certain case names referenced in an employee's performance evaluation report pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(c).

On May 3, 2010, Ms. Amanda Griffin-Johnson submitted a FOIA request to the IDOL for the most recent employee performance reviews conducted by IDOL for all of its current employees.

In its written notice, the IDOL asserts that the names of the complainant and respondent in formal hearings involving the Victims' Economic Security and Safety Act (VESSA) that are referenced in an employee's performance evaluation report, are exempt from disclosure under Section 7(1)(c) of FOIA.

Determinations

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." 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." *Id.*

The IDOL's use of the Section 7(1)(c) exception with regard to the names of the complainant and respondent in VESSA-related cases, referenced in an employee's performance evaluation report, is **denied**. The employee's performance evaluation report, in question, mentions only the case name and does not specify the legal or factual issues addressed in the said cases. A case

June 29, 2010

Page 2

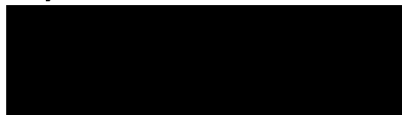
name does not disclose personal information and thus, would not constitute a clearly unwarranted invasion of personal privacy. Further, the public has a legitimate interest in obtaining the names of the VESSA case conducted in formal hearings by the IDOL because these formal hearings are considered public hearings under VESSA. *See* 820 ILCS 180/35(a)(1). Accordingly, the IDOL has failed to meet its burden of establishing that the VESSA case names are exempt from disclosure under Section 7(1)(c) of FOIA.

If you have any questions or concerns, please feel free to contact me at (312) 814-6437. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:



Tola Adewola
Assistant Public Access Counselor

cc: Amanda Griffin-Johnson
Illinois Policy Institute
190 S. LaSalle Street
Suite 2130
Chicago, IL 60603