



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

July 13, 2010

Constance Buscemi
Department of Human Resources
City of Chicago
121 N. LaSalle Street, Room 1100
Chicago, Illinois 60602

RE: Pre-Authorization Request – 2010 PAC 7640

Dear Ms. Buscemi:

We have received and reviewed the written notice from the City of Chicago Department of Human Resources (City) of its intention to deny certain information as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended (FOIA).

██████████ submitted a FOIA request on May 18, 2010 for the complete personnel file of ██████████. In its revised written notice dated received June 22, 2010, the City asserts that the name and relationship of an employee's emergency contact is exempt from disclosure under the personal privacy exemption found in Section 7(1)(c) of FOIA. The City asserts that employees "...have an expectation of privacy relating to decisions they make as to whom to contact in case of an emergency, such as the onset of an illness or the occurrence of a serious injury while at work. This decision is personal to the individual providing the information and the public has no conceivable interest in knowing this information..."

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.* This exemption has been expressly limited by the General Assembly as it relates to public employees. "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.*

Determination

The City's use of the Section 7(1)(c) exemption with regards to the denial of disclosure of the name and relationship of [REDACTED]'s emergency contact is approved. The relationship between two individuals is highly personal and the subjects' right to privacy outweighs any legitimate public interest in obtaining this information. In addition, the name of a person's emergency contact has no bearing the duties of a public employee and the contact's right to privacy outweighs any legitimate public interest in obtaining this information.

Accordingly, the City may issue a partial denial letter and release the records with the appropriate information redacted to [REDACTED].

If you have any questions, please feel free to contact me at (312) 814-1003. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By [REDACTED]

Jessica O'Leary
Assistant Attorney General

cc: [REDACTED]