



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

June 3, 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 written notice, the City asserts that “[b]y its very name, a personnel file is a highly confidential document capable of containing not only an individual’s complete work history but medical and personal history. Individual employees have a right to expect that the details of their lives will be protected [from] uninvolved third parties” and that these documents are exempt from disclosure under Section 7(1)(c) of FOIA.

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 regard to the denial of disclosure of the complete personnel file of [REDACTED] is denied. We have determined that state and municipal employee personnel records relate to the public duties of public employees and officials, therefore, disclosure of these records is not an invasion of personal privacy. Other provisions of FOIA, as well as other statutes, may exempt from disclosure discreet information contained in personnel files, but they are not a basis for withholding these documents *in toto*.

Accordingly, unless the City asserts an exemption other than Section 7(1)(c) to deny disclosure, it should release the requested records 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]