



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

March 22, 2011

Mr. Robert J. Grindle  
Legal Fellow  
Office of the Governor  
100 W. Randolph  
Suite 16-100  
Chicago, IL 60601

Re: Pre-Authorization Request – 2011 PAC 12877  
FOIA Requester: Mr. John O'Connor

Dear Mr. Grindle:

We have received and reviewed the written notice from the Office of the Governor (Governor's Office) of its intention to deny disclosure of certain information pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.*, as amended.

On January 29, 2009, Mr. John O'Connor, a reporter with the Associated Press (AP), submitted a FOIA request to the Governor's Office for the following information:

[C]opies of all memorandums, e-mails, or other correspondence or communications, electronic or otherwise, from Jan. 1, 2008, to the present, to or from Gov. Blagojevich, his chief of staff, deputy governors, legal counsel, deputy chiefs of staff, directors or deputy directors with:

- John Filan, his immediate predecessor, Beverly Womack, Kara Nystrom- Boulahanis, Christopher B. Meister, J. Stuart Boldry Jr., Rich Frampton, Jim Senica, Sharnell Curtis Martin, Steve Trout, Nona Myers, Kristen Conrad, Townsend Albright, William A. Brandt Jr., Michael W. Goetz, William Barclay, Ronald E. DeNard, James J. Fuentes, Roger D. Herrin, Terrence M. O'Brein, Juan B. Rivera, April D. Verrett, or Bradley A. Zeller of the Illinois Finance Authority.
- Sam Zell, Nils Larsen, Dennis J. Fitzsimmons, Randy Michaels, Jerry L. Kersting, Donald J. Liebentrin, Lee Abrams, Harry A. Amsden, Chandler Bigelow III, Steve Gable, Paul Mitnick, Gary Weitman, Michael G. Bourgon, Thomas G. Caputo, David P. Eldersveld, Chris Hochschild, Daniel G. Karzan, Brian F. Litman, Jack Rodden, Naomi B. Sachs, Patrick M. Shanahan, Shaun Sheehan, Howard G. Weinstein, Jeffrey S. Berg,

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Brian L. Grenspan, Betsy D. Holden, William G. Osborn, William C. Pate, Mark Shapiro, Maggie Wilderotter, Frank Wood or Tony Hunter of The Tribune Co. or the Chicago Tribune.

- Crane Kenney, Gerald A. Spector, John F. McDonough, James J. Hendry, Mark E. McGuire, Michael R. Lufrano, Oneri Fleita, David P. Eldersveld, Harry A. Amsden, Chandler Bigelow III, Brian F. Litman, John F. Poelking, Jack Rodden, Patrick M. Shanahan, or Jodi L. Reischl of the Chicago National League Ball Club, Inc.
- Andrew L. Stern, Tom Balanoff, Chris Anderson, Rod Bashir, Jose Bernal, Charles Bridgemon, Nancy Cross, Aleksandra B. Figus, Laura Garza, Vince Pesha, or Dan Schlademan of the Service Employees International Union.
- Chris Chafe, Anna Burger, Edgar Romney, Joseph Hansen, James P. Hoffa, Geralyn Luty, Douglas J. McCarron, Terence M. O'Sullivan, Bruce Raynor, Arturo S. Rodriguez, or Andrew L. Stern.
- Brian McPartlin, Jeffrey Dailey, Dawn Catuara, Thomas Bamonte, Albert Murillo, Michael Colsch, Jeff Redding, Capt. John Jesernik, Stan Rynlewski, Mike King, Tracey E. Smith, Paul Kovacs, Tracy Smith, Ted Young, Thomas Canham, Steven Harris, James M. Roof, David R. Andalcio, Carl Towns, John Mitola, George Pradel, Betty-Ann Moore, James J. Banks of the Illinois State Toll Highway Authority.
- Patrick S. Magoon, John Manley, Robert S. Murley, Paula M. Noble, J. Christopher Reyes, Donna S. Wetzler, or Peter S. Willmott of Children's Memorial Hospital.
- James L. Madara, David S. Hefner, Larry A. Callahan, Jeffrey A. Finesilver, Mayumi Fukui, Lawrence J. Furnstahl, Benjamin Gibson, D. Allan Gray, David Ho, Vickie L. Humphrey, Michael J. Koetting, Jamie M. O'Malley, Michel M. Schiele, Jane T. Schumaker, Kenneth J. Sharigian, Susan S. Sher, Kelly M. Sullivan, Mark A. Urquhart, Eric E. Whitaker, Carolyn S. Wilson, Eric B. Yablonka, Valerie B. Jarrett, Paul F. Anderson, Robert H. Bergman, Edward C. Blair Jr., Ellen Block, Deborah A. Bricker, Kevin J. Brown, John Bucksbaum, Frank M. Clark, Stephanie Comer, James S. Crown, Robert G. Weiss or Craig J. Duchossois of the University of Chicago Medical Center or Weiss Memorial Hospital.

On February 9, 2011, the Governor's Office sought pre-approval from this office to withhold certain information in the responsive documents under the exemption Section 7(1)(f) of FOIA. On March 7, 2011, we granted approval for use of the 7(1)(f) exemption in all but two of the withheld documents.

On March 10, 2011, the Governor's Office informed this office that it sought pre-authorization to use the exemption contained in 7(1)(c) to redact the name of an unsuccessful candidate for public employment from contained in one of those two responsive documents. The Governor's Office asserts that the disclosure of information regarding an applicant who was not ultimately chosen for the position would be an unwarranted invasion of personal privacy and should be withheld under Section 7(1)(c) of FOIA.

#### **Determination**

Section 7(1)(c) 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."

The Governor's Office's use of the Section 7(1)(c) exemption with regard to the name of the candidate not hired by the Governor's Office is **approved**. It is the position of this office that candidates for public employment have a reasonable expectation of privacy that outweighs any public interest in this information. Releasing the names of applicants would allow their identities to be known. The disclosure of this information could adversely affect his or her current employment. Therefore, the Governor's Office has met its initial burden to withhold this name under the exemption in Section 7(1)(c).

If you have any questions or concerns, please feel free to contact our office at (877) 299-3642. This correspondence shall serve to close the matter.

Sincerely,

A solid black rectangular redaction box covering the signature of Rebecca Riddick.

Rebecca Riddick  
Assistant Public Access Counselor

cc:  
Mr. John O'Connor  
Joconnor@ap.org