



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

March 17, 2011

Ms. Stacey White  
FOIA Officer  
Metropolitan Pier and Exposition Authority  
301 East Cermak Road  
Chicago, IL 60616

Re: Pre-Authorization Request – 2011 PAC 12897  
FOIA Requester: Patrick Rehkamp – Better Government Association

Dear Ms. White:

We have received and reviewed the written notice from the Metropolitan Pier and Exposition Authority (Authority) of its intention to deny disclosure of its "Do Not Hire" list for being exempt from disclosure under subsection 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

On March 3, 2011, Mr. Patrick Rehkamp of the Better Government Association submitted a FOIA request to the Authority for "a copy of the Metropolitan Pier and Exposition Authority's 'do not hire list' or any other documents referring to people banned or not recommended for hiring."

In its written notice, the Authority asserts that the disclosure of this information "would constitute a clearly unwarranted invasion of privacy." It seeks authority to withhold the document under the exemption in 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 disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.**" 5 ILCS 140/7(1)(c) (emphasis added).

The Authority's use of the Section 7(1)(c) exemption with regard to its "Do Not Hire" list is **denied**. FOIA specifically restricts the use of the 7(1)(c) exemption so that it cannot be used to withhold information that "bears on the public duties of public employees and officials." After thorough review of

12897 dl 71c emp inf mun auth

the responsive documents, it is the opinion of this office that the information contained within the records is "information that bears on the public duties of public employees." The individuals included in the list are terminated employees of the Authority. The list contains information regarding their former department and whether they are eligible for rehire. Such information "bears on" their public duties as public employees. Under FOIA, this information cannot be considered an invasion of their personal privacy. Therefore, this list cannot be withheld under the exemption in Section 7(1)(c).

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

Sincerely,

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

Rebecca Riddick  
Assistant Public Access Counselor

cc:  
Mr. Patrick Rehkamp  
Chief Investigator – Better Government Association  
Prehkamp@bettergov.org