



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

September 22, 2010

Ms. Teri Dunn
FOIA Officer
Board of Education, City of Peoria School District No. 150
3202 N. Wisconsin Ave.
Peoria, IL 61603

RE: FOIA Pre-approval Request – 2010 PAC 9187

Dear Ms. Dunn:

We have received from the Board of Education, City of Peoria School District No. 150 (District), a written notice of its intention to assert the Section 7(1)(c) exemption in response to a Freedom of Information Act (FOIA) request, dated August 11, 2010 submitted by [REDACTED]. This request sought documents or information relating to the District's recently-completed reorganization, including the names of every job applicant for a newly created position at the District.

With respect to [REDACTED] request for the names of applicants for the newly created position, the District has indicated that it intends to withhold this information pursuant to Section 7(1)(c). Section 7(1)(c) of the Freedom of Information Act permits a public body to withhold "[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." That provision further defines an "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." It also provides that "[t]he disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy."

We previously addressed this issue in File No. 2010 PAC 6805, in which we determined that:

Applications for employment generally contain information that is personal in nature and the release of which would be objectionable to a reasonable person. Further, in many cases, the fact that an individual is seeking new employment and has applied for a position is information that a reasonable person would view as highly personal and the release of that information is likely to be viewed as objectionable by most such individuals. Publication of an individual's application for a position can negatively impact that individual's current employment and the release of personal information about applicants may also negatively impact a public body's ability to attract qualified applicants for open positions. Accordingly, as a result of our review, we have determined that the University may properly decline to disclose under subsection 7(1)(c) the names of applicants for the position of University President and the applications submitted by those individuals.

Likewise, we have determined that the District has met its initial burden to justify redacting the names of all unsuccessful applicants for the newly-created position in response to this FOIA request. The reasoning adopted in File No. 2010 PAC 6805 does not, however, apply to the disclosure of the name and application of applicants who accepted a position with the District. The public interest in disclosure of these District employees' names is significantly greater than it is with regard to all other applicants, just as these individuals' privacy interests are diminished because they have been selected for and accepted positions.

If you have any questions, please feel free to contact me at (217) 782-9078. This letter shall serve to close this file.

Sincerely,

Cara Smith
Public Access Counselor

By: 

Matthew M. Sebek
Assistant Public Access Counselor

cc: 