



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

March 28, 2011

Jessica M. Bargnes  
Scariano, Himes and Petrarca  
Two Prudential Plaza, Ste. 3100  
180 North Stetson  
Chicago, IL 60601-6702

Re: Pre-authorization request – 2011 PAC 13029

Dear Ms. Bargnes:

We have received from Community Consolidated School District No. 46 a notice of intention to deny disclosure of certain information requested under the Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.*, as amended. [REDACTED] requested information regarding work hours and compensation for a specific custodian, and the work schedules for all custodians. The School District requested pre-authorization to redact information from a specific custodian's payroll summaries regarding tax withholding and employee benefits pursuant to Section 7(1)(c) (5 ILCS 140/7(1)(c)) of FOIA.

Information in public records is exempt personal information if disclosure would "constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information." 5 ILCS 140/7(1)(c). An "[u]nwarranted invasion of personal privacy" is 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.*

**Determination**

The School District's request to redact information regarding amounts withheld for state and federal taxes is **approved**. Such information is highly personal by its very nature. The specific employee's right to privacy outweighs any legitimate public interest in obtaining this information. Accordingly, we conclude that the School District has sustained its initial burden of demonstrating that the redacted information is exempt from disclosure under Section 7(1)(c).

The School District's request to redact information regarding deductions for employee benefits is **denied**. Deductions for employee benefits relate to the obligation, receipt and use of public funds and therefore are subject to disclosure under Section 2.5 of FOIA. There is a legitimate public interest in disclosure of information regarding a public employee's contributions toward

his or her publicly-subsidized benefits. Accordingly, we conclude that the School District has not sustained its initial burden of demonstrating that information regarding deductions for employee benefits is exempt from disclosure under Section 7(1)(c).

This letter shall serve to close this file. If you have any questions, please feel free to contact me at (312) 814-6756 or [ssilverman@atg.state.il.us](mailto:ssilverman@atg.state.il.us).

Sincerely,



Steve Silverman  
Assistant Public Access Counselor

cc:

