



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

March 28, 2011

Mr. Roman Gold  
Freedom of Information Act Officer  
Metra  
rgold@metrarr.com

RE: Pre-Authorization Request 2011 PAC-13060

Dear Mr. Gold:

We have received and reviewed the written notice from Metra of its intention to withhold certain information as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA), 5 ILCS 140/7(1)(c), as amended.

On March 1, 2011, [REDACTED] submitted a FOIA request to Metra seeking a list of all applicants for the "Title of Executive Director" as well as the list of all applicants who were interviewed in any capacity such as phone, mail or person.

On March 21, 2011, Metra submitted a Pre-Authorization Request with this Office and asserted that the certain materials responsive to [REDACTED] request are exempt from disclosure under Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)), which 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." 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.* Specifically, Metra seeks to withhold all information relating to all unsuccessful applicants for the Executive Director position.

**Determination**

Metra's request for approval of its decision to withhold the application materials pursuant to Section 7(1)(c) is approved.

In 2010 PAC 6805, a Pre-Authorization Request involving a FOIA request submitted to the University of Illinois by *WLS-TV*, this Office concluded as follows with regard to the disclosure of applications for the presidency position:

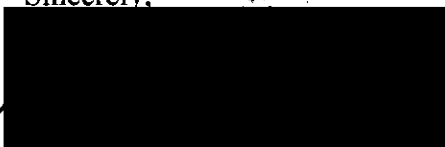
Applications for employment generally contain information that is personal in nature and the release of which would be objectionable to the reasonable person. Further, in many cases, the fact that an individual is seeking new employment for a position is information that a reasonable person would view as highly personal and the release of that information is likely to be viewed as objectionable by most 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 Section 7(1)(c) the names of applicants for the position of University President and the applications submitted by those individuals.

Similarly, the disclosure of the names of the individuals who submitted application materials to Metra for the manager position could be seen as highly personal or objectionable to the reasonable person.

In summary, Metra has met its initial burden pursuant to Section 7(1)(c) and may withhold the application materials of all unsuccessful candidates.

Should you have any questions or concerns, please feel free to contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,



Matthew C. Rogina  
Assistant Public Access Counselor



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