



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

September 30, 2010

Amanda Seitz
FOIA Officer
Henderson County Clerk and Recorder's Office
P.O. Box 308
Oquawka, Illinois 61469

RE: Pre-Authorization Request – 2010 PAC 5800

Dear Ms. Seitz:

We have received and reviewed the written notice from the Henderson County Clerk and Recorder's Office (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.

██████████ submitted an undated FOIA request seeking copies of ██████████ time sheets from the beginning of his employment through February 9, 2010. In its written notice, the Office asserted that all of the timesheets are exempt from disclosure under Section 7(1)(c) of FOIA.

Determination

Section 7(1)(c) of FOIA 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.* In addition, the exemption 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." *Id.*

The Office's use of the Section 7(1)(c) exemption with regard to the time sheets, in their entirety, is denied. These timesheets provide a record of the days when the employee was excused from the performance of his duties, as well as the category of time off used. As such, we have determined that the release of these timesheets would not constitute a clearly unwarranted invasion of personal privacy because the information contained in the reports relates directly to the public

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duties of a public employee.

However, we approve the use of the exemption in Section 7(1)(c) to redact the following information:

1. Handwritten signature(s) at the bottom of each timesheet;
2. The handwritten notation next to January 3, 2002;
3. The handwritten notations next to April 6 and 7, 2005;
4. The handwritten notation next to September 11, 12 and 13, 2006; and,
5. The handwritten notation next to June 17, 2007.

We have determined that a signature is a unique identifier and is exempt from disclosure under Section 7(1)(c). An individual's signature is highly personal in nature, and disclosure of a signature could lead to a clearly unwarranted invasion of personal privacy.

Further, the disclosure of the handwritten notations that contain the employee's explanation for requesting time off would also constitute a clearly unwarranted invasion of personal privacy, because they contain personal information that does not bear on or relate to the public duties of a public employee. As such, the Office may issue a partial denial letter directly to Mr. Miller and release the documents to him with the appropriate information redacted.

If you have any questions, please feel free to contact the Public Access Counselor's Office at (877) 299-3642. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

Tola Adewola
by EK

Tola Adewola
Assistant Public Access Counselor

cc:



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