



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 4, 2011

Janet Myers
City Clerk/FOIA Officer
City of Danville
17 West Main Street
Danville, IL 61832

RE: Pre-Authorization Request – 2011 PAC 13140
Requester: [REDACTED]

Dear Ms. Myers:

We have reviewed the written notice from the City of Danville of its intention to deny disclosure of certain information under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(c).

On March 21, 2011, [REDACTED] submitted a FOIA request for any and all information regarding a payment from the City to Ohio Child Support Payment Central for \$5130.00. Specifically, [REDACTED] seeks the portion of this payment for child support attributable to each City employee. The City has determined that the information responsive to this request is contained in the City's payroll deduction report, which lists the deductions to be taken from each employee's paycheck. In its notice, the City asserts that these deductions are exempt under Section 7(1)(c) of FOIA.

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 the disclosure is consented to in writing by the individual subjects of the information." 5 ILCS 140/7(1)(c). 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.* The exemption further provides that the "disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy." *Id.*

Determination

The City's use of the exemption in Section 7(1)(c) to withhold its employees' payroll deductions relating to child support payment is approved. The amounts, purpose and nature of the deductions would disclose personal information regarding City employees which does not bear on the public duties of the employees. These deductions do not relate to the expenditure of public funds by the City because they are paid out of compensation due to the employees in question. The employees' right to privacy regarding these types of payroll deductions outweighs any legitimate public interest in obtaining this information. Therefore, we conclude that the City has sustained its initial burden of showing that payroll deduction information regarding child support payments are exempt from disclosure under Section 7(1)(c).

Accordingly, the City may issue a denial letter directly to Mr. Pollock. If you have any questions or concerns, feel free to contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,



Sarah Kaplan
Assistant Public Access Counselor

cc:

