



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

Lisa Madigan
ATTORNEY GENERAL

September 30, 2010

Lara Shayne
Assistant General Counsel
Chicago Public Schools
125 S. Clark St., Suite 700
Chicago, Illinois 60603

RE: FOIA Pre-Authorization Request 2010 PAC 8685

Dear Ms. Shayne:

We have reviewed the Chicago Public Schools ("CPS") pre-authorization request and associated documents to determine whether Section 7(1)(c) of the Freedom of Information Act ("FOIA") was properly asserted to withhold requested information. 5 ILCS 140/7(1)(c) Specifically, on July 14, 2010, Hunter Clauss submitted a FOIA request to CPS seeking "[a] list of all Chicago Public Schools-issued cell phone numbers, the name of the person it is given to, and the person's title."

On August 3, 2010, we determined that further inquiry was warranted and requested that CPS provide us with a detailed explanation as to why it contended that the requested information was exempt under Section 7(1)(c). After careful review, we approve of the use of Section 7(1)(c) to withhold the cell phone numbers from public disclosure. We, however, conclude that the names and titles of CPS employees are not exempt from disclosure.

Section 7(1)(c) exempts from inspection and copying the following: "personal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. . . . 'Unwarranted invasion of personal privacy' means the disclosure of information that is highly personal or objectionable to reasonable person and in which the subject's right to privacy outweighs any legitimate public interest in obtaining the information." 5 ILCS 140/7(1)(c).

Disclosing the cell phone numbers under the circumstances in this case would result in a clearly unwarranted invasion of personal privacy. CPS issues cell phones to its staff for use at work and during non-work hours. A critical reason for issuing cell phones is to keep the staff on call while they are not working. Disclosure of the numbers, however, could subject the staff to excessive phone calls from the public at all times of the day, even when they are at home and not working.

Furthermore, if the employees are forced to turn off their phones while they are not at work to reduce intrusion into their lives, they would not be readily available in the event CPS management contacts them for a work emergency. The result would be to impair CPS's ability to access critical staff during emergencies, and would defeat the primary purpose in issuing the cell phones.

Finally, the public can contact CPS staff through their office landlines and through contact information posted on the CPS's website. Thus, we conclude that the public's interest in disclosure of the cell phone numbers does not outweigh the personal privacy interests at stake in this case.

The names and titles of those CPS employees who have been issued cell phones, however, are not exempt from disclosure under Section 7(1)(c). The public's legitimate interest in this information outweighs personal privacy rights. The public has a right to know the names of public employees and their titles. Accordingly, we conclude that CPS may not assert Section 7(1)(c) to withhold the names and titles of those employees to whom CPS issues cell phones.

Thank you for your attention to this matter. If you have any questions or concerns, please feel free to contact me at (312) 814-5044. This correspondence shall serve to close this case.

Sincerely,

Cara Smith
Public Access Counselor

By:


Suniti Bhavsar
Assistant Attorney General

cc: Hunter Clauss
Chicago Public Radio
848 E. Grand Ave.
Chicago, Illinois 60611-3509

Cassandra Daniels
FOIA Officer
Chicago Public Schools
125 S. Clark St., 7th Floor
Chicago, Illinois 60603

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