



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

April 12, 2011

Ms. Emily Renfro  
Legal Fellow  
Office of the Governor  
100 W. Randolph  
Suite 16-100  
Chicago, IL 60601

Re: Pre-Authorization Request – 2011 PAC 12478  
FOIA Requester: [REDACTED]

Dear Ms. Renfro:

We have received and reviewed the written notice from the Office of the Governor (Governor's 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.

On February 5, 2011, [REDACTED] submitted a FOIA request to the Governor's Office for the following information:

- The names of every person who has been nominated or applied to the Governor's office to serve on the Labor Advisory Board, the Illinois Labor Relations Board, and the state Gaming Board (Boards).
- Copies of the applications, with personal information redacted, relating to all individuals who have been nominated or applied to the Labor Advisory Board, the Illinois Labor Relations Board, or the state Gaming Board.

In its written notice, the Governor's Office asserts that the disclosure of information regarding applicants who were not ultimately chosen for appointment would be an unwarranted invasion of personal privacy and should be withheld under Section 7(1)(c) of FOIA. The Governor's Office has already released documents concerning successful applicants to Mr. Murphy.

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On March 1, 2011, we determined that further inquiry was necessary and asked the Governor's Office to provide our office with information regarding the boards at issue, including:

- whether the board positions are full-time or part-time positions;
- whether the positions are paid or unpaid; and
- whether the board appointments positions required Senate confirmation.

In response to our further inquiry letter, the Governor's Office provided the following answers:

- The Labor Advisory Board is comprised of 13 members appointed by the Governor and confirmed by the Senate. The members do not receive a salary, but are reimbursed for their expenses. There is nothing that prohibits members from maintaining other full- or part-time, compensated employment.
- The Illinois Labor Relations Board is comprised of five State Panel members and three Local Panel members, some of whom are appointed by the Governor and all of whom are Senate confirmed. The members receive a salary and are prohibited from receiving other sources of income.
- The Illinois Gaming Board is comprised of five members appointed by the Governor and confirmed by the Senate. The members do not receive a salary, but receive a \$300 per diem, plus expenses. Members cannot hold any other public office for which he shall receive compensation, other than expenses, but members are not prohibited from outside employment as a source of income.

### Determination

Section 7(1)(c) 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." The exemption defines "unwarranted 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."

#### Labor Advisory Board and Illinois Gaming Board

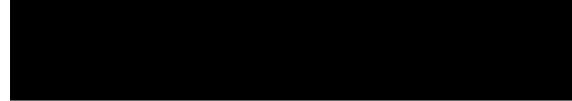
The Governor's Office's use of the Section 7(1)(c) exemption with respect to information regarding candidates not selected by the Governor for these boards is **not approved**. There is a legitimate public interest in knowing who is considered for appointment to state government positions. It is important for the public to know not only who received nomination to State government boards, but also who was considered for appointment. Our office believes that with respect to these two boards, the legitimate public interest outweighs the individual's personal privacy. These boards are non-salaried and their members engage in outside employment. Unlike applying for permanent full-time employment with the State, releasing information concerning an appointment to the Labor Relations Board and the Illinois Gaming Board should not affect the applicants' current employment. Therefore, it is the opinion of this office that the Governor's Office has not met its burden under the exemption in Section 7(1)(c) to withhold this information.

Illinois Labor Relations Board

The Governor's Office's use of the Section 7(1)(c) exemption with respect to information regarding candidates not selected by the Governor for this Board is **approved**. Members of the Illinois Labor Relations Board are prohibited from receiving income from any other source during their time on the Board. This is analogous to full-time employment and successful applicants would be required to relinquish their current employment in order to serve. The disclosure of an applicant's status as a candidate could adversely affect their current employment. It is the position of this office that unsuccessful candidates to the Illinois Labor Relations Board have a reasonable expectation of privacy that outweighs any public interest in information regarding their identities. Therefore, the Governor's Office has met its initial burden to withhold these resumes under the exemption in Section 7(1)(c).

If you have any questions or concerns, please feel free to contact our office at (877) 299-3642. This correspondence shall serve to close the matter.

Sincerely,



Rebecca Riddick  
Assistant Public Access Counselor

cc:

