



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

April 13, 2011

Jennie Vana  
FOIA Officer  
Lake County Administrator's Office  
18 North County Street  
Waukegan, IL 60085-4363

Kevin Berrill  
Assistant State's Attorney  
Office of the State's Attorney, Lake County  
Lake County Building  
18 North County Street  
Waukegan, IL 60085-4363

RE: Pre-Authorization Request – 2011 PAC 13332  
Requester: Mark Ainslie

Dear Ms. Vana and Mr. Berrill:

We have reviewed the written notice from Lake County 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 23, 2011, the County received a FOIA request from [REDACTED] seeking certain information regarding the annual salaries of County employees and the costs of employees' benefits. In its notice, the County proposes to deny disclosure of an employee benefits report in its entirety. This report shows the type of benefits each employee receives, the amounts paid by the County for each employee's benefits, and the pre-tax deductions from each employee's salary. The County asserts that this information is exempt under Section 7(1)(c).

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 County's use of the exemption in Section 7(1)(c) to withhold the report in its entirety is denied. Section 2.5 of FOIA provides that "[a]ll records relating to the obligation, receipt, and use of public funds of the State, units of local government, and school districts are public records subject to inspection and copying by the public." 5 ILCS 140/2.5. This Section indicates that the Illinois Legislature recognizes a strong public interest in disclosure of records relating to the use of public funds. In this instance, the employee's right to privacy with respect to the amounts paid by the County does not outweigh the public interest in obtaining this information. Accordingly, the County must disclose the amounts in the report that were paid by the County.

The County's use of the exemption in Section 7(1)(c) to redact the benefit elections made by each employee and the amounts deducted from each employee's salary is approved. This information is highly personal, and the disclosure of this information would be objectionable to a reasonable person. This information does not bear on the public duties of these employees or relate to the use of public funds. Here, the employees' right to privacy outweighs any legitimate public interest in obtaining this information. Thus, the County has sustained its initial burden of proving that the employees' benefit elections and amounts deducted from employee salaries are exempt under Section 7(1)(c).

The County may issue a partial denial letter directly to [REDACTED] and provide the report to him with the appropriate information redacted in accordance with this letter. 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,

[REDACTED]  
Sarah Kaplan  
Assistant Public Access Counselor

cc: [REDACTED]