



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 15, 2010

Honorable Eric Weis
State's Attorney of Kendall County
Kendall County Courthouse
807 W. John Street
Yorkville, Illinois 62706

RE: Pre-Authorization Request – 2010 PAC 10087

Dear State's Attorney Weis:

We have received and reviewed the written notice from the Office of the State's Attorney, Kendall County (Office) of its intention to deny disclosure of certain information as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

██████████ submitted a FOIA request on October 5, 2010 seeking the personnel file of former First Assistant State's Attorney Mike Reidy, excluding his Social Security Number. In its written notice, the Office asserted that information found in the personnel file which identifies two individuals other than Mr. Reidy is 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." 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.* 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 proposed application of the exemption in Section 7(1)(c) with regard to the identity of the two specified individuals is approved. We have determined that the disclosure of these identities would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). The disclosure of this type of information would be objectionable to a reasonable person

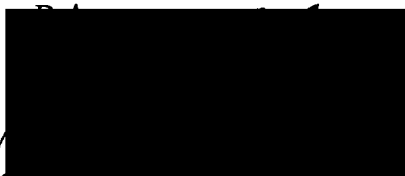
and the subjects' right to privacy outweighs any legitimate public interest in disclosing this information. In addition, the identities of these individuals do not bear on Mr. Reidy's public duties.

Accordingly, the Office may issue a partial denial letter and the release of the records with the appropriate information redacted, if it has not already done so.

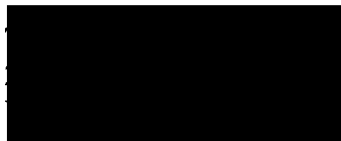
If you have any questions, please feel free to contact me at (312) 814-1003 or joleary@atg.state.il.us. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor



cc:



10087 pre-auth at 71c priv county