



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

October 20, 2010

Constance Buscemi
Freedom of Information Officer
Department of Human Resources
City of Chicago
121 N. LaSalle Street, Rm 1100
Chicago, Illinois 60602

RE: Pre-Authorization Request – 2010 PAC 10181

Dear Ms. Buscemi:

We have received and reviewed the written notice from the City of Chicago Department of Human Resources (Department) 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 140/7(1)(c).

On September 27, 2010, Mr. Scott Fehlan submitted a FOIA request to the Department, seeking a copy of "the names and departments of current City of Chicago employees who have registered as domestic partners, as evidenced by Certificates of Partnership issued by the City." In its written notice, the Department asserts that the requested information is exempt from disclosure under Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c).)

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." 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," provided, however, 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."

The Department's use of the Section 7(1)(c) exemption to deny disclosure of the requested information is **approved**. We have determined that the disclosure of the requested information would amount to a clearly unwarranted invasion of personal privacy, and does not relate to the public duties of these employees. As such, the employees' (and their partners') rights to privacy outweigh any legitimate public interest in obtaining such information. Accordingly, the

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Department has met its initial burden of demonstrating that this information is exempt from disclosure under Section 7(1)(c) of FOIA.

If you have any questions, please feel free to contact me at (312) 814-6437. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:


Tola Sobitan
Assistant Public Access Counselor

cc: Scott D. Fehlan
President, Public Pride Alliance
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