



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

April 20, 2011

Village of Bannockburn  
Maria Lasday, FOIA Officer  
2275 Telegraph Road  
Bannockburn, IL 60015

Re: Pre-authorization request – 2011 PAC 12963

Dear Ms. Lasday:

We have received from the Village of Bannockburn a notice of intention to deny disclosure of certain information requested under the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended. [REDACTED] requested copies of the General Ledger for 2009 and 2010. Pursuant to Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)), the Village requested pre-authorization to redact two entries identifying employees for whom certain payroll deductions were made.

We determined that further inquiry was warranted and requested that the Village provide copies of the records in question. The Village has clarified in a telephone conversation that the payroll deductions relate to an employee health plan, and that the amount of each deduction reflects the number of dependents of each employee.

**Determination**

Information in public records is exempt if disclosure 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). An “[u]nwarranted invasion of personal privacy” is 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 Village’s request for pre-authorization to redact information identifying employees who participate in the Village’s employee health plan is **denied**. Names and other forms of “basic identification” do not constitute “personal information” under FOIA. *Lieber v. Board of Trustees of Southern Illinois Univ.*, 167 Ill.2d 401, 411-12, 680 N.E.2d 374, 379 (1997). We also determined in 2010 PAC 9791 that the disclosure of names of public employees who

participate in an employee health plan would not constitute an unwarranted invasion of personal privacy. Accordingly, we conclude that the Village has not sustained its initial burden of demonstrating that information identifying employees who participate in the Village's employee health plan are exempt from disclosure under Section 7(1)(c).

However, we determined in 2011 PAC 13332 that disclosure of the specific amounts deducted from individual employees' salaries for benefits would constitute an unwarranted invasion of personal privacy. In this instance, the specific amounts deducted from individual employees' salaries for health plan coverage is based on highly personal circumstances of those employees' lives. The employees' right to privacy outweighs any legitimate public interest in disclosure of such information, which does not bear on the employees' public duties or relate to the use of public funds. Therefore, the Village may redact the specific amounts deducted from the individual employees' salaries for health plan coverage pursuant to Section 7(1)(c).

This letter shall serve to close this matter. If you have any questions, please feel free to contact me at 312-814-6756 or [ssilverman@atg.state.il.us](mailto:ssilverman@atg.state.il.us).

Sincerely,

  
Steve Silverman  
Assistant Public Access Counselor

cc: 