



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 28, 2011

Max A. Caproni, Executive Director
City of Chicago Police Board
30 N. LaSalle St., Ste. 1220
Chicago, IL 60602

Re: Pre-authorization request – 2011 PAC 13784

Dear Mr. Caproni:

We have received from the City of Chicago Police Board a notice of intention to deny disclosure of certain information requested under the Freedom of Information Act. 5 ILCS 140/1 *et seq.*, as amended. Ross Weidner requested “[c]opies of all applications and accompanying materials filed by candidates seeking the position of the Superintendent of the Chicago Police Department.” The Police Board requested pre-authorization to withhold those records pursuant to section 7(1)(c). 5 ILCS 140/7(1)(c).

Information in public records is exempt personal information 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.*

Determination

The Police Board’s request to withhold the records under section 7(1)(c) is **approved**. We determined in 2010 PAC 5196 that applications for employment are exempt from disclosure under section 7(1)(c), unless the applicant is selected for the position. We noted that employment applications generally contain highly personal information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. We also noted that disclosure of employment applications could negatively impact an applicant’s current employment and hamper a public body from attracting qualified applicants for open positions. The Police Board indicated that its search for a superintendent is ongoing and no applicant has been selected. Accordingly, we conclude that the Police Board has sustained its initial burden of

demonstrating that the applications and accompanying materials submitted by applicants for the superintendent position are exempt from disclosure under section 7(1)(c).

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

Sincerely,



Steve Silverman
Assistant Public Access Counselor

cc: Ross Weidner
Special Projects Producer
ABC 7 Chicago/WLS-TV
190 North State St.
Chicago, IL 60601