



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 11, 2011

Mr. John P. Long
Belsheim & Bruckert, LLC
1002 East Wesley Drive, Suite 100
O'Fallon, Illinois 62269

RE: FOIA Pre-Authorization Request – 2010 PAC 9042

Dear Mr. Long:

We have received and reviewed the written notice from the City of Highland (City) of its intention to deny certain information as exempt from disclosure under section 7(1)(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(c) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010). The City is seeking to withhold copies of time cards relating to a former City employee.

Mr. Steven Lynn submitted a nine-part FOIA request to the City seeking records relating to former City employee Gary Crosby. In its August 10, 2010, written notice, the City asserted that the time cards and training records of Mr. Crosby are exempt from disclosure under section 7(1)(c) of FOIA. This Office initiated further inquiry into the matter on August 18, 2010, and the City supplied us with copies of Mr. Crosby's time cards on August 30, 2010. In its written response to our further inquiry letter, the City indicated that it had provided Mr. Lynn with copies of training records and sought to narrow its written notice to the time cards. Accordingly, we will address only the issue of whether the time cards are exempt from disclosure.

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." 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," but further provides that "[t]he disclosure of information that bears on the public duties of public employees and officials shall not be considered an

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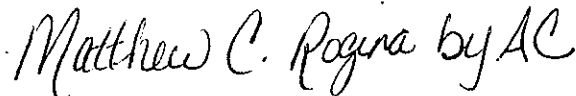
invasion of personal privacy.” 5 ILCS 140/7(1)(c) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010.

DETERMINATION

The City’s use of the exemption in section 7(1)(c) to withhold the time cards is **denied**. We have reviewed the time cards and determined that the records clearly relate to Mr. Crosby’s *public duties* and that disclosure would not constitute a clearly unwarranted invasion of personal privacy pursuant to section 7(1)(c). Accordingly, this Office concludes that the City has not met its burden pursuant to section 7(1)(c) and must issue copies of the time cards to Mr. Lynn.

If you have any questions, please contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Very truly yours,



MATTHEW C. ROGINA
Assistant Attorney General
Public Access Bureau

cc: Mr. Steven Lynn
85 Jardin Circle
Highland, Illinois 62249

Ms. Lana Hediger
Freedom of Information Act Officer
City of Highland
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