



**OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS**

Lisa Madigan  
ATTORNEY GENERAL

November 8, 2010

Mr. Gregory J. Ramel  
Deputy Legal Counsel/FOIA Officer  
Illinois Department of Employment Security  
33 S. State St.  
Chicago, IL 60603-2802

RE: FOIA Pre-approval Request – 2010 PAC 8900

Dear Mr. Ramel:

We have received from the Illinois Department of Employment Security (IDES) a written notice of its intention to assert the Section 7(1)(c) exemption in response a Freedom of Information Act (FOIA) request dated July 27, 2010 submitted by [REDACTED]. This request sought information relating to types of paid time-off benefits provided to IDES employees.

The IDES has indicated that it intends to deny portions of responsive documents which reveal the amounts of leave accrued by individual IDES employees, because it contends:

How much leave and what type an individual used or has accrued is highly personal and release of such information would be objectionable to the reasonable person and his right to privacy outweighs any legitimate public interest in obtaining the information. For example, how much sick leave an individual has used during his employment with the State cannot serve a legitimate public purpose.

Section 7(1)(c) defines an “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.” It also 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.”

**Determinations**

We have determined that IDES has failed to meet its initial burden to establish a basis for withholding the amounts of leave accrued by individual IDES employees under Section 7(1)(c). This information bears on the public duties of public employees, specifically, on the number of days that individual IDES employees are present at IDES to perform such duties. Moreover, it also bears on "the obligation . . . and use of public funds of the State" and, as such, is *per se* public information under Section 2.5 of FOIA.


Notably, Ms. Sroka's FOIA request does not seek information relating to how individual employees have used their benefit time in any given instance, nor does the information at issue reveal any such information. The disclosure of the amounts of leave used or accrued by individual IDES employees, without additional information, would not constitute a clearly unwarranted invasion of personal privacy and, therefore, cannot be withheld on that basis.

If you have any questions, please feel free to contact me at (217) 782-9078. This letter shall serve to close this file.

Sincerely,


Cara Smith  
Public Access Counselor

By

  
Matthew M. Sebek  
Assistant Public Access Counselor

Cc:

  
Via electronic mail to:

  
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