



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

Lisa Madigan
ATTORNEY GENERAL

November 17, 2010

Robin Kaler
Associate Chancellor for Public Affairs
Public Record Officer
University of Illinois at Urbana-Champaign
507 E. Green
Suite 313
Champaign, Illinois 61820

RE: Pre-Authorization Request – 2010 PAC 6256

Dear Ms. Kaler:

We have received and reviewed the written notice from the University of Illinois (University) of its intention to deny disclosure of certain documents pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA).

On February 22, 2010, [REDACTED] submitted a revised FOIA request to the University seeking "all email records or meeting notes from 2002 to 2010 relating to pay or benefit issues with military leave, from the following University of Illinois employees: Krystal L. Fitzpatrick, Barbara R. O'Connor, Jeffrey T. Christensen, Cheryl L. Johnson, Sandra K. Soard, Vernon G. Frost, Shig W. Yasunaga, Corbin J. Smith, Marilyn S. DeJong (Wright), Irma L. Ryan, Elyne G. Cole, and Leslie Nay Arvan."

In its written notice, the University asserts that portions of the requested records involving other employees and their employment with the University are exempt from disclosure under Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)). Further review of the records shows that the University is seeking to redact the identity of employees, other than [REDACTED] who engaged in discussions with University staff about reimbursements for military leave. Also, the University is seeking to redact certain parts of the records pertaining to these employees' accumulated hours for vacation, sick leave, and unpaid off-days.

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

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information.” *Id.* In addition, the exemption 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.” *Id.*

The University’s use of the Section 7(1)(c) exemption with regard to the identity of employees who engaged in discussions with University staff regarding military leave and the content of such discussions is **denied**. In this instance, we have determined that the disclosure of this information would not constitute a clearly unwarranted invasion of personal privacy because the content of the discussions regarding the allocation of hours and pay for military leave relates to the public duties of these public employees. As such, the public’s legitimate interest in obtaining information regarding the compensation of a public employee outweighs the public employee’s right to privacy in such matter.

Nonetheless, we note that there are two documents, contained within the records, that the University may withhold from disclosure under Section 7(1)(c) of FOIA. These documents are: (1) an email from Cheryl Johnson to ‘Senior Management Team’, dated July 12, 2004; and (2) an October 15, 2004 document addressed to Sgt. Eversole. We have determined that these documents contain information pertaining to a formal grievance and a potential disciplinary action that does not relate to or bear on the public duties of public employees and, as such, disclosure of the said documents would result in a clearly unwarranted invasion of personal privacy.

Finally, with regards to a February 4, 2009 email from Rob Scott to Shig Yasunaga contained within the requested records; the University may redact the statement that references a grievance involving an employee other than [REDACTED] pursuant to Section 7(1)(c) of FOIA. However, other parts of the February 4, 2009 email that talks about the number of sick and vacation hours credited to the employee must be disclosed because this information relates to the compensation of this public employee.

Please note that personal email addresses, phone numbers and other unique identifiers such as a signature, may be exempted from disclosure as “private information” under Section 7(1)(b) of FOIA. Pre-authorization from our office is not required to withhold private information.

Accordingly, the University should release the records to [REDACTED] and may redact certain information under the appropriate statutory exemption(s) as explained above. If you have any questions, please feel free to contact me at (312) 814-6437. This letter shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

[REDACTED]
Tola Sobitan
Assistant Public Access Counselor

cc: