



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

Lisa Madigan
ATTORNEY GENERAL

December 8, 2010

Ms. Jenny Fontaine
FOIA Officer
University of Illinois at Chicago
Office of Public Affairs
Via electronic mail to:
loerzel@uic.edu

RE: FOIA Pre-approval Request – 2010 PAC 10558

Dear Ms. Fontaine:

We have received from the University of Illinois at Chicago (UIC) a written notice of its intention to assert the Section 7(1)(c) exemption in response to a Freedom of Information Act (FOIA) request, dated November 2, 2010, submitted by [REDACTED] [REDACTED] request sought the names of all candidates who have applied for the position of Chair in Modern Greek at UIC.

UIC has indicated that it intends to withhold certain documents responsive to this request, pursuant to Section 7(1)(c). Section 7(1)(c) of the Freedom of Information Act (5 ILCS 140/7(1)(c)) permits a public body to withhold "[p]ersonal information contained within public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy." That provision further 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."

We addressed a similar issue in File No. 2010 PAC 6805, regarding applicants for a university presidency, and determined that:

Applications for employment generally contain information that is personal in nature and the release of which would be objectionable to a reasonable person. Further, in many cases, the fact that an individual is seeking new employment and has applied for a position is information that a reasonable person would view as highly personal and the release of that information is likely to be viewed as objectionable by most such individuals. Publication of an individual's application for a position can negatively impact that individual's current employment and the release of personal information about applicants may also negatively impact a public body's ability to attract qualified applicants for open positions. Accordingly, as a result of our review, we have determined that the University may properly decline to disclose under subsection 7(1)(c) the names of applicants for the position of University President and the applications submitted by those individuals.

Based on our analysis in File No. 2010 PAC 6805, we have determined that UIC has met its initial burden to justify withholding the names of all unsuccessful applicants for the position of Chair in Modern Greek at UIC. The reasoning adopted in File No. 2010 PAC 6805 does not, however, apply to the disclosure of the name of any applicant selected for that position in connection with UIC's most recent search. The public interest in disclosure of the name of the selected candidate is significantly greater than it is with regard to all other applicants, just as this individual's privacy interest is diminished because she has been selected for and accepted the position.

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

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Assistant Public Access Counselor

cc:


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