



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

Lisa Madigan
ATTORNEY GENERAL

December 16, 2010

Mr. Terrance R. Stefanski
Executive Director
Municipal Employee's Annuity and Benefit Fund of Chicago
221 N. LaSalle St., Suite 500
Chicago, IL 60601

RE: FOIA Pre-approval Request – 2010 PAC 11125

Dear Mr. Stefanski:

We have received from the Municipal Employee's Annuity and Benefit Fund of Chicago 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 16, 2010, submitted by [REDACTED] of the Better Government Association. [REDACTED] request sought the names and other specified categories of information for all MEA&B fund pension recipients, including beneficiaries of pension fund participants.

MEA&B has indicated that it intends to withhold the identities of beneficiaries of pension fund participants which appear in records 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."

As MEA&B noted in its Section 7(1)(c) notice, we addressed a similar issue in File No. 2010 PAC 8589, regarding a request to the Illinois Department of Insurance (IDI) for pension fund beneficiary identities, and determined that:

The IDI's request for approval of its decision to withhold information pursuant to Section 7(1)(c) that would identify beneficiaries of pension fund participants, including their dates of birth, is approved. Unlike a public pension fund participant, beneficiaries of a participant have a reasonable expectation of privacy that their names will not be disclosed to the public. In many instances, these individuals are not public employees and are often designated as beneficiaries based on their personal relationship to the pension fund participant. This information has no relation to the employee's public duties and there is nothing that suggests a legitimate interest in the public obtaining the names of the beneficiaries.

Based on our analysis in File No. 2010 PAC 8589, we have determined that MEA&B has met its initial burden to justify withholding the names of all beneficiaries of pension fund participants appearing in records responsive to [REDACTED] OIA request.

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 [REDACTED]

Matthew M. Sebek
Assistant Public Access Counselor

cc:

[REDACTED]
Better Government Association
Via email to:

[REDACTED]
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