



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 10, 2011

Mr. James Bateman
Village Attorney, the Village of Lake Villa
The Law Offices of James Bateman
800 Hart Road, Suite 311
Barrington, Illinois 60010

RE: Pre-Authorization Request – 2011 PAC 11605

Dear Mr. Bateman:

We have received and reviewed the written notice from the Village of Lake Villa of its intention to withhold certain information as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act (FOIA), 5 ILCS 140/1, *et seq.*, as amended.

On December 22, 2010, Charles Atwell, on behalf of the law firm Atwell & Atwell, submitted a FOIA request to the Village seeking all information relating to [REDACTED].

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On January 4, 2011, the Village submitted its Pre-Authorization Request to this Office. In its written request, the Village stated that the only responsive documents in its possession was an application for part-time employment together with supporting materials submitted by [REDACTED]. The Village asserts that the records are exempt from disclosure pursuant to Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)), which 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 disclosure is consented to in writing by the individual subjects of the information.” The exemption defines “[u]nwarranted 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.” *Id.*

Determination

The Village's request for approval of its decision to withhold the application materials pursuant to Section 7(1)(c) is approved.

In this instance, the Village seeks to withhold application materials submitted by [REDACTED]. In a December 28, 2010 correspondence with Mr. Atwell, the Village indicates that [REDACTED] has never been an employee of the Village. The records at issue were submitted voluntarily by [REDACTED] in anticipation of employment with the Village. The letter further indicates that Mr. Atwell does not represent [REDACTED]. Because [REDACTED] has never been employed by the Village and the requester is not acting as his representative, this Office concludes that disclosure of these documents would be highly personal or objectionable to the reasonable person. Further, there exists no legitimate public interest in the disclosure of this information.

In summary, the Village has met its initial burden pursuant to Section 7(1)(c) and may withhold the information relating to [REDACTED].

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

Sincerely,

Cara Smith
Public Access Counselor

By: [REDACTED]

Matthew C. Rogina
Assistant Public Access Counselor

cc: Charles E. Atwell
Atwell & Atwell
70 S. Constitution Drive, Suite 100
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