



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 12, 2011

Brigett R. Bevan
Freedom of Information Officer
Chicago Transit Authority
567 W. Lake Street
Chicago, IL 60661

RE: Pre-Authorization Request – 2011 PAC 11627

Dear Ms. Bevan:

We have received and reviewed the written notice from the Chicago Transit Authority (CTA) of its intention to deny disclosure of certain information pursuant to the Illinois Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*

Specifically, on December 15, 2010, Mr. Steven Simon submitted a FOIA request to CTA, seeking any and all records pertaining to the current employment status, position/title, scheduled shift, dispatch location, and assigned bus route for CTA bus operator, [REDACTED]. In its written notice, CTA asserts that information regarding its employee's current scheduled shift and assigned bus route is exempt from disclosure under Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)).

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." *Id.* 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 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.*

CTA's use of the Section 7(1)(c) exemption with regard to its employee's current scheduled shift and assigned bus route is **denied**. We have determined that the disclosure of this information would not constitute a clearly unwarranted invasion of personal privacy because an employee's work schedule and assigned bus route directly "bears on" such employee's duty as a CTA bus

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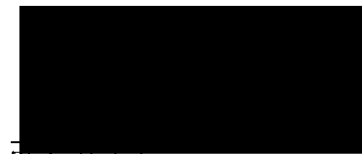
operator. Thus, to the extent, if any, that a public employee may have a privacy interest in that information, the public's legitimate interest in obtaining the information will prevail.

In accordance with this letter, therefore, CTA must release the requested work schedule and assigned bus route to Mr. Simon. 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:



Tola Sobitan
Assistant Public Access Counselor

cc: Steven Simon
Acumen Probe LLC
1760 W. Granville Avenue
Chicago, IL 60660

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