



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

Lisa Madigan
ATTORNEY GENERAL

January 20, 2011

Mr. Kevin Gordon
Scariano, Himes & Petrarca
Via electronic mail to:
kgordon@edlawyer.com

RE: FOIA Pre-approval Request – 2010 PAC 11710

Dear Mr. Gordon:

We have received from your client, Grayslake Elementary School District 46, a written notice of its intention to assert the Section 7(1)(c) exemption in response to a Freedom of Information Act (FOIA) request submitted by [REDACTED]. The request sought the resumes and applications received during the 2010-2011 academic year by District 46 for the position of engineering consultant.

District 46 has indicated that it intends to deny this request, pursuant to Section 7(1)(c) of FOIA, 5 ILCS 140/7(1)(c). Section 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.” This 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 District 46 has met its initial burden to justify withholding the resume and application of all unsuccessful applicants for the position referenced in this FOIA request. The reasoning adopted in File No. 2010 PAC 6805 does not, however, apply to the disclosure of the resume and application of any applicant(s) selected for that position in the stated timeframe. The public interest in disclosure of the resume and application 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 since accepting 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.

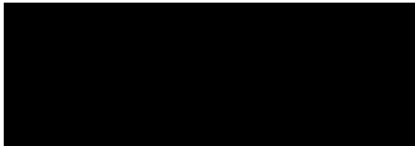
Sincerely,

Cara Smith
Public Access Counselor

By:


Matthew M. Sebek
Assistant Public Access Counselor

cc:


11710 pre-auth al 7(1)(c) app inf school