



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

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January 21, 2011

Mr. William R. Blessman
Mason County
125 N. Plum
Havana, IL 62644
cclerk@grics.net

Re: Pre-Authorization Request – 2011 PAC 11919
FOIA Requester: [REDACTED]

Dear Mr. Blessman:

We have received and reviewed the written notice from Mason County of its intention to deny disclosure of names of public employees for being exempt from disclosure under subsection 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

On January 10, 2011, [REDACTED] submitted a FOIA request to the County for the “[t]otal number of County employees, including contractors and temporary employees. The most current name, job title, department, hire dates, and salary of each employee and/or vendor for 2009.”

The County argues that tying the employee name to the salary would create “an unwarranted invasion of personal privacy.” It says that it believes the inquiry can be met by providing the requestor with all of the other requested information, thereby tying the salary to the employee’s title. The County asserts that “[a]t a time when public employee salaries and benefits are the subject of intense and sometimes heated debate, [it does] not feel that [its] employees should be subject to potential harassment over the amount of their salary, or the mere fact that they are a public employee.”

Determination

Section 7(1)(c) 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”. 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. **The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy.**” 5 ILCS 140/7(1)(c) (emphasis added).

The County’s use of the Section 7(1)(c) exemption with regard to the names of its employees is **denied**. FOIA specifically restricts the use of the 7(1)(c) exemption so that it cannot be used to withhold

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information that "bears on the public duties of public employees and officials." Thus, information regarding public employees must be released if it "bears on" their public duties. An individual's identity as a public employee bears on their public duties and should not be considered an invasion of their personal privacy. Therefore, the public employees' names cannot be withheld under Section 7(1)(c).

Further, the Illinois Constitution provides that "[r]eports and records of the obligation, receipt and use of public funds of the State, units of local government and school districts are public records available for inspection by the public according to law." Ill. Const. 1970, Art. VII, sec. 1(c). Additionally, Section 2.5 of FOIA expressly states that "[a]ll records relating to the obligation, receipt and use of public funds of the State, units of local government, and school districts are public records subject to inspection and copying by the public." The records at issue relate directly to the obligation of the County to expend public funds to compensate its employees. The public interest in disclosure of this information outweighs any personal privacy interest in withholding such information.

Should you have questions or concerns, please feel free to contact me at (312) 814-8413. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: 
Rebecca Riddick
Assistant Public Access Counselor

cc:

