



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

January 28, 2011

Ms. Lisa Weitekamp
Freedom of Information Officer
Illinois Department of Corrections
LISA.WEITEKAMP@doc.illinois.gov

RE: Pre-Authorization Request – 2010 PAC 6687

Dear Ms. Weitekamp:

We have received and reviewed the written notice from the Illinois Department of Corrections 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 March 7, 2010, American, Federation of State, County, Municipal and Employees Local 1274 submitted a FOIA request to IDOC seeking copies of all the application materials the IDOC has pertaining to the promotion of [REDACTED] to accountant at Henry Hill Correctional Center.

On April 7, 2010, IDOC submitted a Pre-Authorization Request with this Office and asserted that the materials are exempt from disclosure under 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.*

This Office initiated further inquiry into this matter on April 14, 2010 and IDOC responded to our inquiry on April 27, 2010. In its letter, IDOC explains that it intends to deny information relating to both unsuccessful candidates and successful candidates, including [REDACTED]

pursuant to Section 7(1)(c).¹ IDOC also supplied us with copies of the information that it seeks to withhold.

Determination

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

Job applications contain information that is personal in nature. However, people who accept public employment have a reasonable expectation that their qualifications will be subject to public scrutiny. The disclosure of the job applications of a successful candidate allows private citizens insight into the employment decisions of public bodies. In such instances, the public interest in accessing these job applications outweighs the privacy rights of the public employee. Therefore, the job applications of successful candidates should be disclosed.

In summary, IDOC has not met its initial burden and must disclose the application material related to Ms. Genisio to AFSCME Local 1274.


We further note that IDOC seeks to withhold additional responsive information pursuant to Section 7(1)(q) of FOIA (5 ILCS 140/7(1)(q) which exempts from inspection and copying "test questions, scoring keys and other examination data used to determine the qualifications of an application for a license or employment." Application of Section 7(1)(q) does not require prior approval by the Public Access Counselor.

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,

Amalia Rioja
Acting Public Access Counselor

By:


Matthew C. Rogina
Assistant Public Access Counselor

Cc: AFSCME Local 1274
600 Linwood Road
Galesburg, IL 61401

6687 pre-auth d 7(1)(c) emp inf sa

¹ We note that AFSCME's request only included materials concerning to Ms. Genisio. Therefore, any documents relating to unsuccessful applicants would not be responsive to AFSCME's request.