



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

Lisa Madigan
ATTORNEY GENERAL

August 23, 2010

Wanda Snell
FOIA Officer
Dongola Unit School District #66
1000 High Street
Dongola, Illinois 62926

RE: Pre-Authorization Request – 2010 PAC 7483

Dear Ms. Snell:

We have received and reviewed the written notice from Dongola Unit School District #66 (District) of its intention to deny disclosure of certain information pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(c).

On May 12, 2010, Ms. Christy Allen submitted a FOIA request to the District seeking the following information:

Laney and Wanda Snell's vacation time, sick time, comp time, personal time, and any other time off with pay for the school year beginning July 1, 2009 to the current May 12, 2010.

In its written notice, the District asserts that the requested records are exempt from disclosure under Section 7(1)(c) of FOIA because information pertaining to how employees use their time off constitutes an unwarranted invasion of personal privacy.

On June 7, 2010, we issued a further inquiry letter to the District, requesting a detailed explanation of the District's factual basis for seeking to deny Ms. Allen's request under Section 7(1)(c) of FOIA. We also requested that the District provide us with a copy of the requested records.

In its response dated June 17, 2010, the District stated that information regarding the type of time off or leave taken by an employee is personal in nature and would amount to unwarranted invasion of personal privacy if disclosed. The District believes that such information should only be provided as a number in whole. The District provided the requested records for our review.

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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.” 5 ILCS 140/7(1)(c). 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.*

The District’s use of the Section 7(1)(c) exemption with regards to the ‘Employee Year in a Glance’ reports is **denied**. These reports provide a snapshot of the days taken off by each employee during the requested school year period, as well as the category of time off used. Other than identifying the category of time off used, these reports do not disclose any information as to how the employee actually spent the days taken off work. As such, we have determined that the release of these reports would not constitute a clearly unwarranted invasion of personal privacy because the information contained in the reports relates to the compensation of public employees. Hence, the District has failed to meet its burden of establishing with clear and convincing evidence that these reports are exempt from disclosure under Section 7(1)(c) of FOIA.

With regard to the ‘Application for Leave’ documents, the District may redact, pursuant to Section 7(1)(c), portions of these documents that contain the employee’s handwritten explanation for requesting time off. We have determined that these handwritten notes contain personal information that do not bear on or relate to the public duties of these public employees, and thus, would constitute a clearly unwarranted invasion of personal privacy if disclosed.

Accordingly, the District may issue a partial denial letter to Ms. Allen and release the records to her with the appropriate information redacted.

If you have any questions or concerns, please feel free to contact me at (312) 814-6437. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:



Tola Adewola
Assistant Public Access Counselor