



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 3, 2011

Michael Walton
Freedom of Information Officer
Sangamon County Sheriff's Office
Records Section
#1 Sheriff's Plaza
Springfield, Illinois 62701

RE: Pre-Authorization Request – 2011 PAC 12114

Dear Mr. Walton:

We have received and reviewed the written notice from Sangamon County Sheriff's Office (SCSO) 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 January 22, 2011, [REDACTED] submitted a FOIA request to SCSO for all "records showing the educational background, weapons, qualifications/re-certifications for 2009-2010 and payroll records for 2010 for Correctional Sgt. Guy Bouvet." In its written notice, SCSO asserts that information pertaining to the employee's education background is exempt from disclosure under Section 7(1)(c) of FOIA (5 ILCS 140/7(1)(c)).

On February 7, 2011, this Office sent a further inquiry letter to SCSO, requesting a copy of the record that SCSO is withholding from disclosure pursuant to Section 7(1)(c). On February 15, 2011, SCSO provided the requested record for our review.

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.*

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SCSO's use of the Section 7(1)(c) exemption with regard to information pertaining to an employee's educational background 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 educational background directly "bears on" his qualifications for the public position which he occupies. 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, SCSO must release the requested educational information to Mr. Schnoor. If you have any questions, please feel free to contact me at (312) 814-6437. This letter shall serve to close this matter.

Sincerely,



Tola Sobitan
Assistant Public Access Counselor

cc:



12114 preauth dl 71c emp infpd