

OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 1, 2011

Skip Bradshaw
Freedom of Information Act Officer
City of Jacksonville
200 W. Douglas Ave.
Jacksonville, IL 62650

RE: Pre-Authorization Request - 2011 PAC 12527

Dear Mr. Bradshaw:

We have received and reviewed the written notice from the City of Jacksonville (City) of its intention to deny certain information pursuant to Section 7(1)(c) of the Freedom of Information Act (FOIA), 5 ILCS 140/1 *et seq.* as amended.

On February 11, 2011, [REDACTED] submitted a FOIA request seeking a copy of resumes and applications of applicants for three different positions with the City. In its February 22, 2011 written notice to the Office of the Public Access Counselor, the City asserted that requested material is 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.*

Determination

The City's use of the exemption in Section 7(1)(c) with regard to all applications and resumes is approved in part and denied in part.

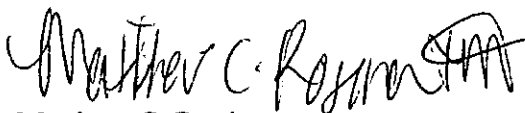
Applications and resumes contain information that is highly personal and the disclosure of this information could be considered an unwarranted invasion of personal privacy and no legitimate public interest exists in the disclosure of the information. Moreover, the applications and

resumes of un-hired applicants are not a matter of public information. Therefore, the City's use of Section 7(1)(c) of FOIA as it relates to non-employee applicants is approved.

However, the applications and resumes of applicants who were in fact hired is a matter of public record and should be made available with the private and person information redacted as allowed by Section 7(1)(b) and (c) of FOIA. Therefore, the City's use of Section 7(1)(c) of FOIA to withhold the applications and resumes of public employees in their entirety is denied.

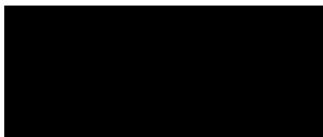
If you have any questions, please feel free to contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Sincerely,



Matthew C. Rogina
Assistant Public Access Counselor

cc:



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