



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

March 1, 2011

Melanie Schroeder  
City Clerk/Collector  
City of Morrison  
200 West Main Street  
Morrison, IL 61270

RE: Pre-Authorization Request – 2011 PAC 12540  
Requester: David Giuliani, Sauk Valley Newspapers

Dear Ms. Schroeder:

We have reviewed the written notice from the City of Morrison of its intention to deny disclosure of certain information under Section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(c). On February 16, 2011, Mr. David Giuliani of Sauk Valley Newspapers requested to inspect the resumes of applicants for the position of City Administrator. The City asserts that it has not yet selected a candidate to fill the City Administrator position and therefore the applicants' resumes are exempt from disclosure under Section 7(1)(c).

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, unless the disclosure is consented to in writing by the individual subjects of the information." 5 ILCS 140/7(1)(c). 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.* The exemption further provides that the "disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy." *Id.*

**Determination**

The City's use the exemption in Section 7(1)(c) to withhold applicants' resumes is approved. In a telephone conversation on March 1, 2011, the City informed us that no candidate has yet been

selected for the position. Because none of the applicants is currently a public employee or official, none of these resumes constitute "information that bears on the public duties of public employees and officials." The fact that an individual is seeking new employment is highly personal, and a reasonable person would find the release of this information objectionable. Additionally, the release of an applicant's resume in response to a FOIA request could impact the City's ability to attract qualified candidates in the future. We have determined that the applicants' right to privacy outweighs the legitimate public interest in obtaining this information. We conclude that the City has sustained its initial burden of showing that the requested records are exempt from disclosure under Section 7(1)(c).

Accordingly, the City may issue a denial letter directly to Mr. Giuliani. If you have any questions, please feel free to contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,



Sarah Kaplan  
Assistant Public Access Counselor

cc: David Giuliani  
Reporter  
Sauk Valley Newspapers  
dgiuliani@SVNmail.com