



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 1, 2011

Ms. Clare F. Bourne
Freedom of Information Act Officer
Crystal Lake Elementary School District 47
300 Commerce Drive
Crystal Lake, Illinois 60014

RE: Pre-Authorization Request - 2011 PAC 12572

Dear Ms. Bourne:

We have received and reviewed the written notice from the Crystal Lake Elementary School District 47 (District) 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 February 8, 2011, [REDACTED] submitted a FOIA request to the District seeking the "amount deducted from employee pay checks for union dues."

On February 14, 2011, the District submitted a Pre-Authorization Request with the Office of the Public Access Counselor and asserted that the information 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 District's request for approval of its decision to withhold the dollar amount that certain District employees submit to their union is denied.

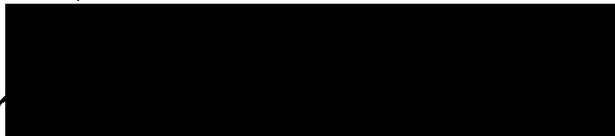
There is a legitimate public interest in the disclosure of the dollar amount paid to a public employee's labor union. Section 2.5 of FOIA (5 ILCS 140/2.5) provides that "[a]ll records *relating* to the obligation, receipt, and use of public funds of the State, units of local government, and school districts are public records subject to inspection and copying by the public." (Emphasis added.)

A labor union, moreover, acts as the agent for represented public employees in matters of substantial public interest such as collective bargaining, grievances, and discipline. Here, the requestor does not seek the amount of dues paid by any specific employee. Rather, only the amount deducted from employees generally is sought. As such, disclosure of the dollar amount the public employees contribute to their union cannot be considered highly personal or objectionable to the reasonable person.

Accordingly, the District has not met its initial burden pursuant to Section 7(1)(c) and must disclose this information to Mr. Skinner.

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,



Matthew C. Rogina
Assistant Public Access Counselor



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