



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 9, 2011

Joyce E. Schifferer
FOIA Officer
Gail Borden Public Library District
270 N. Grove Avenue
Elgin, Illinois 60120

RE: Pre-Authorization Request ~ 2011 PAC 12162

Dear Ms. Schifferer:

We have received and reviewed the written notice from Gail Borden Public Library District (District) of its intention to deny disclosure of certain information pursuant to the Illinois Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*

On January 21, 2011, [REDACTED] submitted four FOIA requests to the District, seeking certain records, including the list of all library personnel by name, job title and salary and the name of the employee requesting IMRF Benefits Protection Leave. In its written notice, the District asserts that the identity of the employee requesting IMRF Benefits Protection Leave is exempt from disclosure under Section 7(1)(c) of FOIA. The District also noted that, although it did not possess any record responsive to [REDACTED] request for the list of library personnel by name, job title and salary, such record would be exempt from disclosure under Section 7(1)(c) of FOIA.

On February 7, 2011, this Office issued a further inquiry letter to the District, requesting a detailed legal and factual explanation of its basis for asserting the Section 7(1)(c) exemption in partially denying [REDACTED] FOIA requests.

In its response dated February 16, 2011, the District explained that a document listing employees by last name and range of salary was provided to [REDACTED] in response to his request for the list of all library personnel by name, job title and salary. With regard to [REDACTED] request for the name of the employee who requested IMRF Benefits Protection Leave, the District reaffirmed its position that this information is exempt under Section 7(1)(c) because the disclosure of the identity of an employee on medical leave would amount to an unwarranted invasion of personal privacy. The District also included, for our review, a copy of the IMRF Benefits Protection Leave form that was submitted by the employee in question.

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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 regard to the name of the employee requesting IMRF Benefits Protection Leave is **denied**. Based on our review of the record, we have determined that the disclosure of the name of the employee, as contained in the IMRF Benefits Protection Leave form that was submitted by the said employee, would not constitute a clearly unwarranted invasion of personal privacy because this information relates to the compensation of public employees. As such, the District has failed to meet its burden of establishing with clear and convincing evidence that this information is exempt from disclosure under Section 7(1)(c) of FOIA.

In accordance with this letter, therefore, the District should release the name of the employee as contained in the IMRF Benefits Protection Leave form to [REDACTED]. Please note, however, that this letter does not express an opinion or provide advice as to the applicability of any other non- 7(1)(c) exemptions to the requested records.

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,

[REDACTED]

Tola Adewola
Assistant Public Access Counselor

cc:

[REDACTED]

12162 preauth dl 71c emp inf mun