



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

March 8, 2011

City of Collinsville  
Cheryl Brombolich, City Clerk  
125 S. Center Street  
Collinsville, IL 62234

Re: Pre-authorization request – 2011 PAC 12629

Dear Ms. Brombolich:

We have received from the City of Collinsville a notice of intention to deny disclosure of certain information requested under the Freedom of Information Act (FOIA). 5 ILCS 140/1 *et seq.*, as amended. [REDACTED] requested records showing, as of December 31, 2009, the “name of each employee that has days of accumulated vacation, the days of accumulation tied to each employee and the tied accumulated liability (debt amount) of unused vacation for each employee” which accounts for the City’s estimated accumulated liability of \$583,221. The City requested pre-approval to withhold those records pursuant to Section 7(1)(c) (5 ILCS 140/7(1)(c)).

Information in public records is exempt if disclosure 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). An “[u]nwarranted invasion of personal privacy” is 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 request for pre-approval to withhold the records is **denied**. The City’s pre-approval request simply asserts that “[i]ndividual amounts of leave per employee . . . is personal information” without providing a detailed factual summary to support the applicability of the Section 7(1)(c) exemption, as required by Section 9.5(b) (5 ILCS 140/9/5(b)).

Moreover, contrary to the City’s assertion Section 7(1)(c) 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.” 5 ILCS 140/7(1)(c). The amount of vacation time

available to a public employee bears on his or her public duties and therefore disclosure of such information would not constitute a clearly unwarranted invasion of personal privacy. In addition, records pertaining to the City's financial liability for individual employees' unused vacation or other benefit time clearly relate to "the obligation, receipt and use of public funds," and are therefore subject to disclosure under Section 2.5 (5 ILCS 140/2.5)).

Accordingly, we have determined that the City has failed to sustain its initial burden of demonstrating that the records are exempt from disclosure under Section 7(1)(c).

This letter shall serve to close this file. If you have any questions, please feel free to contact me at (312) 814-6756 or [ssilverman@atg.state.il.us](mailto:ssilverman@atg.state.il.us).

Sincerely,



Steve Silverman  
Assistant Public Access Counselor

cc:

