



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 8, 2011

Cathy Palmer
Freedom of Information Officer
Mokena Community Public Library District
11327 West 195th Street
Mokena, IL 60448

RE: Pre-Authorization Request – 2011 PAC 12652
Requester: [REDACTED]

Dear Ms. Palmer:

We have reviewed the written notice from the Mokena Community Public Library District 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 14, 2011, [REDACTED] submitted a FOIA request that included 12 numbered requests. Request number 5 seeks "salary paid to each employee of the Mokena Community Public Library District for each year from the year 2005 to the present." In its notice, the District asserts that the responsive public records are IRS W2 forms and that these W2s contain personal information that is exempt 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.*

Determination

The District's use of the exemption in Section 7(1)(c) to withhold the information in box 2 (Federal income tax withheld), box 10 (Dependent care benefits), box 11 (Nonqualified plans),

and boxes 12 through 14 of each W-2 form is approved. The information in these boxes depends upon circumstances in each employee's life that are highly personal, and the disclosure of this information would be objectionable to a reasonable person. The employees' right to privacy outweighs any legitimate public interest in obtaining this information.

Please note that social security numbers, driver's license numbers and home addresses are defined as "private information" by Section 2(c-5) of FOIA and are exempt under Section 7(1)(b). The assertion of the exemption in Section 7(1)(b) does not require pre-authorization from this Office.

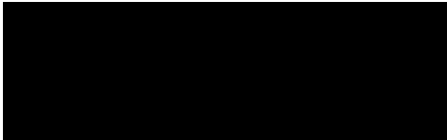
If you have any questions or concerns, feel free to contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,

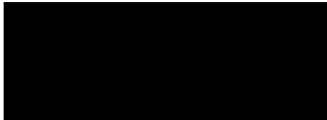


Sarah Kaplan
Assistant Public Access Counselor

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