



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

March 4, 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 12672

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 23, 2011, [REDACTED] submitted a FOIA request to the District seeking the "total amount deducted from all employee pay checks for union dues during 2010 for the Transportation Joint Agreement organization."

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 total amount deducted from all employee pay checks for union dues during 2010 for the Transportation Joint Agreement organization is denied.

In its letter to this Office, the District explains that [REDACTED] request does not ask for information relating to an employee's public duties, but rather, seeks information regarding the highly personal decision of how an employee chooses to spend his or her money once it is earned. In addition, the District argues that the funds are paid to a public body, but rather a private labor union.

In No. 2010 PAC 12572, [REDACTED] submitted a request seeking amount deducted from employee pay checks for union dues." In that letter, we noted the following:

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.

Similarly, [REDACTED] requests the total amount from all employee pay checks. While not a public body, funds paid to the union can be said to relate to the receipt, obligation and use of public funds.

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

[REDACTED]

Matthew C. Rogina  
Assistant Public Access Counselor

[REDACTED]

12672 pre-auth dl 7(1)(c) priv sd