



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 7, 2011

Robin Kaler
Associate Chancellor for Public Affairs
Public Record Officer
University of Illinois
507 East Green Street, Suite 313
Champaign, IL 61820

RE: Pre-Authorization Request – 2010 PAC 7123
Requester: [REDACTED]

Dear Ms. Kaler:

We have completed our review of the notice from the University of Illinois 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 January 4, 2010, [REDACTED] requested certain specified communications relating to an incident on March 9, 2005. In response, the University asserts that 6 pages of the responsive documents contain information that is exempt from disclosure 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.* Further, Section 7(1)(c) provides that the "disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy." *Id.*

Determination

The University submitted to this Office copies of the documents in question, and the University specified on these documents the information it proposes to redact. We have determined that the University's use of the exemption in Section 7(1)(c) to withhold the information as proposed is denied. Based on our review of the documents in question, we find that the bulk of the information in these documents bears on the public duties of University employees. The document labeled "Page 1 from 1616_001" is a letter that was placed in an employee's disciplinary file that specifically discusses the impact of the employee's unprofessional behavior on his work environment. The document labeled "Page 8 from

20100225120816" is a copy of this letter. These documents clearly bear on the public duties of a public employee.

The documents labeled "Page 3 from 1616_001" and "Pages 4-6 from 1616_001" discuss the same matter. This discussion bears on the public duties of the public employees involved. In "Pages 4-6 from 1616_001," the matter is referred to as a "personnel" matter. The incident took place at the University, between University employees, and affected the workplace. These documents show that the incident affected the performance of the public duties of various public employees. The bulk of this discussion (with the exceptions noted below) does not relate to the private lives of these employees outside of work. Because of the last sentence in Section 7(1)(c), we conclude that the University may not properly assert the exemption in that Section with respect to the bulk of this information.

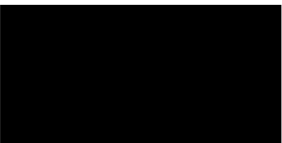
However, we have determined that the University may redact the last two sentences in "Page 3 of 1616_001" pursuant to Section 7(1)(c). These sentences relate to an individual's private concerns and do not bear on the public duties of a public employee. The University may also redact the last part of the last sentence in "Page 6 from 1616_001," after the comma. This information is a speculation relating to the personal life of an individual, and this speculation does not bear on the public duties of a public employee. The disclosure of this specific information would constitute a clearly unwarranted invasion of personal privacy. This information is highly personal, and the subjects' right to privacy outweighs any legitimate public interest in this information. We conclude that the University has met its initial burden of showing that the information specified in this paragraph is exempt under Section 7(1)(d).

For the reasons discussed above, we conclude that the University may not properly assert the exemption in Section 7(1)(c) with respect to the withheld documents, with the exception of the information specified in the previous paragraph. If you have any questions or concerns, do not hesitate to contact me at (312) 814-2086. This correspondence shall serve to close this matter.

Sincerely,


Sarah Kaplan
Assistant Public Access Counselor

cc:


cc: Ruth Wyman
100 Trade Center Drive, Suite 402
Champaign, IL 61820

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