January 16, 2015

Harrison Hove
NBC 4
hhove@wcmh.com

Re: FOIA 15-003

Dear Mr. Hove:

I am responding to your request dated January 2, under the Illinois Freedom of Information Act in which you request:

“list of applicants who have applied for your director of bands position within the school of music. That search closed on November 3, 2014 according to your website. If the search has been narrowed, I’d like an additional list of applicants still under consideration. Lastly, if an offer or hire has been made I would like the name of that applicant selected for this role.”

Information responsive to your request is being denied as the director of bands position has not been filled and no applicant has been selected for employment. Therefore, the information you seek is being denied pursuant to the following section(s) of the Act:

- 140/7(1)(c) that exempts from disclosure “Personal information contained within public records, the disclosure of which, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information.” This includes information pertaining to applicants for a position that has not yet been filled. Please note, once the position has been filled, the names and identifying information of the applicants not selected for employment will continue to be exempt from disclosure. The Illinois Attorney General’s Public Access Counselor has previously upheld a public body’s decision to withhold information regarding unselected job applicants, as disclosure of such information would constitute a clearly unwarranted invasion of personal privacy under this section of the Act. (See, 2011 PAC 14437; 2011 PAC 13060).

- 140/7(1)(f), which exempts “Preliminary drafts, notes, recommendations, memoranda, and other records in which opinions are expressed, or policies or actions are formulated, except that a specific record or relevant portion of a record shall not be exempt when the record is publicly cited and identified by the head of the public body.” Since the position has not been filled, applicant information is being used by the University as part of the decision-making process.
You have a right, under the law, to seek a review of this response by the Public Access Counselor (PAC) in the Office of the Attorney General. The PAC may be reached by phone at 217-782-1396, by email to publicaccess@atg.state.il.us, or by postal mail at the Public Access Bureau, 500 S. 2nd Street, Springfield, Illinois 62706. You also have the right to seek judicial review under section 11 of this Act.

If you have questions for our office, please contact 217-333-6400.

Sincerely,

Thomas P. Hardy
Executive Director
and Chief Records Officer