



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

September 9, 2025

Via electronic mail



RE: FOIA Request for Review – 2025 PAC 88619; 25-FOIA-461

Dear [REDACTED]:

This determination is issued pursuant to section 9.5(c) of the Freedom of Information Act (FOIA).¹ For the reasons set forth below, the Public Access Bureau concludes that no further action is warranted in this matter.

On July 30, 2025, you submitted a FOIA request to Metra seeking, relevant to this Request for Review, copies of internal applications and résumés for certain job postings within Metra's Safety and Transportation departments. On August 13, 2025, Metra denied this portion of your request in its entirety pursuant to section 7(1)(c) of FOIA,² explaining that the disclosure of the identities of the unsuccessful applicants would constitute an unwarranted invasion of those individuals' personal privacy. Metra disclosed the requested records for the successful applicants. On August 14, 2025, you submitted your Request for Review challenging the denial.

Section 7(1)(c) of FOIA exempts from disclosure "[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." Section 7(1)(c) defines "unwarranted 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."

¹5 ILCS 140/9.5(c) (West 2024).

²5 ILCS 140/7(1)(c) (West 2024).

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The Public Access Bureau has consistently determined that records identifying pending or unsuccessful applicants for public employment or promotion are exempt from disclosure pursuant to section 7(1)(c) of FOIA because they contain information that is personal in nature, the disclosure would be objectionable to a reasonable person and would constitute an unwarranted invasion of personal privacy. *See, for example*, Ill. Att'y Gen. PAC Req. Rev. Ltr. 84684, issued January 13, 2025 (names of public employees are exempt from disclosure under section 7(1)(c) in the particular context of pending applications for promotions or other public employment); Ill. Att'y Gen. PAC Req. Rev. Ltr. 58010, issued October 9, 2019, at 5-6 ("records identifying [public employees] as seeking promotion do not bear on their current duties as public employees."); Ill. Att'y Gen. PAC Req. Rev. Ltr. 59938, issued October 21, 2019, at 3 (disclosure of information identifying existing public employees seeking promotions or new positions does not bear on their current duties and could lead to embarrassment and dissuade them from seeking promotions or new positions, and, therefore, the disclosure of such information would constitute an unwarranted invasion of personal privacy).

You argue that the "qualifications, education, and work history of [the unsuccessful] applicants directly bear on whether Metra engaged in discriminatory hiring practices, a matter of significant public concern[]" that bears on the public duty of public employees.³ You further allege that "[t]he demographic spreadsheets provided by Metra confirm that Black internal candidates applied but were not interviewed for these positions. The withheld resumes are necessary to assess whether their exclusion was based on qualifications or discriminatory criteria."⁴ You also contend that Metra should release redacted versions of the unsuccessful applicants' materials.

Although this office recognizes the public interest in ensuring that public bodies engage in non-discriminatory hiring practices, the personal details of individuals' unsuccessful employment applications do not bear on the duties of the public employees making the hiring decisions. Further, the right to privacy of the applicants rather than the employees making the hiring decisions is at issue. Merely redacting names from unsuccessful employment applications would not be sufficient to protect the identities of the applicants, as applications are typically replete with specific, personally identifying information in addition to names. To the extent that comparison of the applications to the data in the demographic spreadsheets you received would enable the races of individual applicants to be discerned, the Illinois Appellate Court has recognized that individuals have a significant right to privacy in their racial identities that was not outweighed by the public interest in records responsive to a FOIA request designed to shed light on whether or not a state's attorney's office engaged in discriminatory hiring practices. *CBS Inc., v. Partee*, 198 Ill. App. 3d 936, 948-49 (1990) (finding "that publication of the names and races together of the individual assistant State's Attorneys could constitute a substantial invasion

³E-mail from ██████████ to Public Access Counselor (August 14, 2025).

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of personal privacy[]" and upholding a lower court decision that such information is exempt from disclosure). Accordingly, this office concludes that Metra did not violate FOIA by denying your request pursuant to section 7(1)(c) of FOIA.

This file is closed. If you have any questions, please contact me at (217) 843-0564 or laura.harter@ilag.gov. Thank you.

Very truly yours,

[REDACTED]
LAURA S. HARTER
Bureau Chief
Public Access Bureau, Springfield

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