

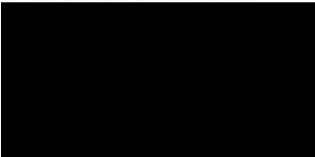


OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

May 27, 2025

Via electronic mail



RE: FOIA Request for Review – 2025 PAC 86577; 86947

Dear 

This determination is issued pursuant to section 9.5(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/9.5(c) (West 2023 Supp.)). For the reasons explained below, the Public Access Bureau has determined that these Requests for Review are unfounded.

On March 6, 2025, you submitted a FOIA request to the City of DeKalb (City) seeking, in Microsoft Excel format, "the following information for each employee:

- title
- employment type: full-time/part-time
- salary
- total compensation
- home zip code^[1]

On March 13, 2025, the City provided you with a PDF document that lists the name, title, department, wages, allowances, bonuses, social security and Medicare payment, total insurance, total compensation, vacation days granted, and sick days granted for each City employee. The City did not cite any exemptions or otherwise address the exclusion of zip codes. On April 30, 2025, you submitted a Request for Review (2025 PAC 86577) contesting the City's response.

¹E-mail from  to Scott Zak, [FOIA Officer, City of DeKalb] (March 6, 2025).

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Specifically, you alleged that the City did not provide the record in the requested format and did not include a zip code for each employee.

On May 9, 2025, a City FOIA Officer stated in a telephone conversation with a Supervising Attorney in the Public Access Bureau that the City had inadvertently provided the record in PDF format and would provide you with a copy in Microsoft Excel format. The FOIA Officer also clarified that the City had withheld zip codes pursuant section 7(1)(b) of FOIA (5 ILCS 140/7(1)(b) (West 2023 Supp.), as amended by Public Acts 103-605, effective July 1, 2024; 103-865, effective January 1, 2025). On that same date, the City provided you with a Microsoft Excel copy of the record, still without zip codes.

Also on that same date, you submitted a second FOIA request to the City seeking "the following information for each employee: []home zip code[.]"² On May 16, 2025, the City denied your second request in its entirety pursuant to section 7(1)(b) of FOIA. On May 21, 2025, you submitted a second Request for Review (2025 PAC 86947) contesting the City's response.

Section 7(1)(b) of FOIA exempts from disclosure "[p]rivate information, unless disclosure is required by another provision of this Act, a State or federal law or a court order." Section 2(c-5) of FOIA (5 ILCS 140/2(c-5) (West 2023 Supp.)) defines "private information" as:

[U]nique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. **Private information also includes home address and personal license plates, except as otherwise provided by law or when compiled without possibility of attribution to any person.** (Emphasis added.)

You argued in a May 18, 2025, e-mail to this office and the City FOIA Officer, as well as in your second Request for Review, that zip codes are not exempt as private information, citing *Hites v. Waubensee Community College*, 2016 IL App (2d) 150836. Specifically, you argued that "[t]he court held that these fields, including zip code, are nonexempt information (public records individually)[,]" quoting the following passage from the decision:

WCC also invoked private and personal exemptions pursuant to sections 7(1)(b) and 7(1)(c), related to disclosure of student registration forms, but it admits that such forms could be redacted to display only nonexempt information. Importantly here, the requests at issue are not for the physical copies but for the zip

²E-mail from [REDACTED] to Scott Zak, [FOIA Officer, City of DeKalb] (May 9, 2025).

codes, numbers of registered students, and raw input for the fields of the cities, counties, citizenship, and visa statuses of registered students. These specific requests do not implicate the definition of "private information" under section 2(c-5). Rather, plaintiff specifically seeks nonexempt information stored in WCC's databases.^[3]

However, that quotation omits the first sentence of the paragraph: "Whether a statutory exemption applies is not at issue on appeal."⁴ The cited passage, therefore, consists of obiter dictum that is not dispositive of the issue in this matter. *Lebron v. Gottlieb Memorial Hospital*, 237 Ill. 2d 217, 236 (2010) ("*Obiter dictum* is not essential to the outcome of the case, is not an integral part of the opinion, and is generally not binding authority or precedent within the *stare decisis* rule."). Further, the Appellate Court did not determine that zip codes are nonexempt information *per se*. Rather, the information requested included zip codes but did not seek other information that could personally identify individual students such as names, and the public body did not argue that zip codes which were not attributable to individual students were exempt under section 7(1)(b).

On the other hand, the Public Access Bureau has previously determined that a municipal employee's zip code is a constituent part of a home address and, therefore, constitutes "private information" under 7(1)(b) of FOIA because "a simple cross reference of the zip code and the name of the City employee through other commonly available resources such as the phone book, property assessments, and the Internet could ultimately lead to disclosure of the home address of the employee." Ill. Att'y Gen. PAC Req. Rev. Ltr. 9808, issued February 10, 2011. *See also* Ill. Att'y Gen. PAC Req. Rev. Ltr. 51699, issued March 5, 2020; Ill. Att'y Gen. PAC Req. Rev. Ltr. 77763, issued November 13, 2023. Thus, a zip code for a home address is not exempt from disclosure unless another law provides for disclosure or the zip code has been compiled in such a manner that it is not attributable to any person.

Your March 6, 2025, and May 9, 2025, FOIA requests specifically sought the home zip code "for each employee" of the City. As explained above, providing the employees' zip codes coupled with employee names could ultimately lead to the disclosure of each employee's home address. Because the employee zip codes are parts of home addresses attributable to individuals, the City did not improperly withhold them under section 7(1)(b) of FOIA. Accordingly, this office concludes that these Requests for Review are unfounded.

³*Hites v. Wauabonsee Community College*, 2016 IL App (2d) 150836, ¶ 54.

⁴*Hites v. Wauabonsee Community College*, 2016 IL App (2d) 150836, ¶ 54.

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This letter serves to close this matter. If you have any questions, please contact me at (773) 590-7878 or benjamin.silver@ilag.gov.

Very truly yours,

[REDACTED]
BENJAMIN J. SILVER
Supervising Attorney
Public Access Bureau

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cc: *Via electronic mail*
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