



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 18, 2011

Ms. Terri Bethune
FOIA Officer DuPage Township
241 Canterbury Lane
Bolingbrook, IL 60440

Re: FOIA Pre-Authorization Request – 2011 PAC 13236
FOIA Requester: Ms. Rhonda Reed-Slaughter

Dear Ms. Bethune:

We have received and reviewed the written notice from DuPage Township of its intention to deny disclosure of certain information pursuant to section 7(1)(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(c) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010).

On March 22, 2011, Ms. Rhonda Reed-Slaughter submitted a FOIA request to the Township seeking:

1. The total cost of the senior Caribbean trip in 2010, including the list of participants, and accommodations.
2. Did the seniors pay 100% or a portion of the trip[?] If so, please provide the total amount of money that was collected per participant (with copies) for this trip.

In its written notice, the Township asserts that release of the requested documents would constitute an unwarranted invasion of the participants' personal privacy. The "request relates specifically to private individuals and does not relate to the expenditure of public funds or the actions of public employees. The release of such information relating to the available disposable income of seniors and the names of those individuals, would leave an already vulnerable element of our community (senior citizens) available to criminal activity which befalls so many seniors in our society." The Township seeks approval to withhold the requested documents using the exemption in section 7(1)(c) of FOIA.

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On April 7, 2011, we determined that further inquiry was necessary and asked the Township to provide our office with a detailed description and a representative sample of the withheld documents. On April 12, 2011, the Township provided us with a portion of the "Senior Tour Accommodation Sheet," the "Senior Cruise Payment and Schedule," and a sample "Senior Cruise registration payment receipt."

DETERMINATION

Section 7(1)(c) 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." The exemption 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." 5 ILCS 140/7(1)(c) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010.

The Senior Cruise Accommodation Sheet

The Township's use of section 7(1)(c) to redact the names of cruise participants, their dates of birth, information concerning their emergency contacts, cruise accommodations, and flight information is **approved**. The participants are private individuals who are spending their own money to participate in this trip. Further, we agree that senior citizens are a vulnerable population and releasing information concerning their ability to expend disposable income could expose them to criminal activity. The right to privacy here outweighs any public interest in obtaining this information. Additionally, based on the materials provided to our office, we have determined there is no legitimate public interest in obtaining information concerning participants' accommodations or flights. Therefore, the Township has met its initial burden of establishing that section 7(1)(c) exempts this information from disclosure.

Please note that the Township may redact home addresses and phone numbers pursuant to section 7(1)(b) of FOIA, which allows public bodies to withhold "private information" contained within responsive records. 5 ILCS 140/7(1)(b) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010. "Private information" is defined in section 2(c-5) of FOIA and includes "home or personal telephone numbers" and home addresses. 5 ILCS 140/2(c-5) (West 2009 Supp.). Therefore, the Township does not require approval from the Public Access Counselor to withhold this information under section 7(1)(c).

Senior Cruise Payment and Schedule

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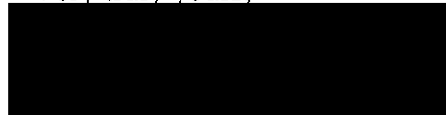
The Township's use of section 7(1)(c) to withhold the Senior Cruise Payment and Schedule document is **denied**. This document provides information regarding various choices for accommodations during the cruise, flight prices, excursion information, and dates payments were due. The information contained in the document does not relate to specific individuals – it merely lists options for participants in the trip. Therefore, this information cannot be considered "personal information" as contemplated by the Act, and the Township may not withhold this information pursuant to section 7(1)(c).

Senior Cruise Registration Payment Receipt

The Township's use of section 7(1)(c) to withhold participants' names and signatures contained within the responsive document is **approved**. As the Township has asserted, releasing information regarding the ability of senior citizens to pay for participation in the cruise would be an unwarranted invasion of personal privacy. The right to privacy here outweighs any public interest in obtaining this information. Therefore, the Township has met its initial burden and may withhold the names and signatures of the participants. Once this identifying information is redacted from the document, the Township should release to the requester the remainder of the records in accordance with this letter.

If you have any questions, please contact our office at (877) 299-3642. This correspondence shall serve to close this matter.

Very truly yours,



REBECCA RIDDICK
Assistant Attorney General
Public Access Bureau

cc: *Via Electronic Mail*
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