



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 18, 2011

Via Electronic Mail

Mr. Tommy Thomson
Freedom of Information Act Officer
Village of Franklin Park
9500 Belmont
Franklin Park, Illinois
tthomson@vofp.com

RE: FOIA Pre-Authorization Request – 2011 PAC 14080

Dear Mr. Thomson:

We have received and reviewed the written notice from the Village of Franklin Park (Village) 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) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010). The Village seeks pre-authorization to withhold water bills pursuant to section 7(1)(c). Specifically, on May 13, 2011, [REDACTED] submitted a FOIA request to the Village for copies of water bills and records relating to water usage for "3106 Louis Street."

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." 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.

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DETERMINATION

The Village's use of the exemption in section 7(1)(c) to withhold the records is **denied**. This Office has previously concluded that disclosure of records relating to public utility bills cannot be characterized as highly personal or objectionable to the reasonable person. See 2010 PAC 9448 (Ill. Att'y Gen. PAC Pre-Auth. dl9448, issued October 28, 2010); 2010 PAC 9526 (Ill. Att'y Gen. PAC Pre-Auth. dl9526, issued September 16, 2010); 2010 PAC 10646 (Ill. Att'y Gen. PAC Pre-Auth. dl10646, issued November 18, 2010); and 2010 PAC 12030 (Ill. Att'y Gen. PAC Pre-Auth. dl 12030, issued January 31, 2011).

In those matters, this Office determined that water bills relate to the obligation, receipt and use of public funds within the definition of section 2.5 of FOIA (5 ILCS 140/2.5) (West 2009 Supp.)) which states that "[a]ll records relating to the obligation, receipt, and use of public funds of the State, units of local government, and school districts are public records subject to inspection and copying by the public."

Similarly, [REDACTED] seeks the water bills for a specific residence and the daily water usage for that residence. Therefore, the dollar amount submitted to the Village by the individual at this residence properly falls within the scope of section 2.5. Moreover, there exists a legitimate public interest in whether a public body is consistent in its billing practices.

As a result, we conclude that the Village has not met its initial burden pursuant to section 7(1)(c) and must disclose the billing records to Mr. Zurek. The Village may redact any "private information" pursuant to 7(1)(b) of FOIA (5 ILCS 140/7(1)(b) (West 2009 Supp.)), as amended by Public Act 96-1378, effective July 29, 2010).

If you have any questions, please contact me at (312) 814-5383. This correspondence shall serve to close this matter.

Very truly yours,

[REDACTED]
MATTHEW C. ROGINA
Assistant Attorney General
Public Access Bureau

cc: Mr. Ken Zurek
3299 George Street
Franklin Park, Illinois 60131