



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

May 25, 2011

Ms. Laura Godette  
Freedom of Information Officer  
Village of Tinley Park  
16250 S. Oak Park Ave.  
Tinley Park, IL 60477

RE: Pre-Authorization Request — 2011 PAC 14152

Dear Ms. Godette:

We have received and reviewed the written notice from the Village of Tinley Park 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). On May 12, 2011, [REDACTED] submitted a FOIA request for Police Report #11-9345. The Village is seeking to redact dates of birth, medical information and witness names from the report.

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.

**DETERMINATION**

The Village's use of the exemption in section 7(1)(c) for the dates of birth is **approved**. We have determined that the Village has met its initial burden of demonstrating that

the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy. This type of information is highly personal by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information. *See, e.g., Oliva v. United States*, 756 F. Supp. 105, 107 (E.D.N.Y. 1991) (holding that, under Exemption 6 of the Federal Freedom of Information Act (5 U.S.C. §552(b)(6)), "dates of birth[ ] are a private matter, particularly when coupled with \* \* \* other information" and "would constitute a clearly unwarranted invasion of personal privacy"); *Texas Comptroller of Public Accounts v. Attorney General of Texas*, \_\_\_ S.W.3d \_\_\_, 54 Tex. Sup. Ct. J. 245 (2010) (state employees have a "nontrivial privacy interest" in their dates of birth under the Texas Public Information Act (*see* Tex. Gov't Code §§552.101, 552.102), which substantially outweighs the negligible public interest in disclosure).

The Department's use of section 7(1)(c) to redact information regarding injury and medical care is **denied**. The proposed redactions consist of general statements concerning a reported injury that may have occurred during this accident. The report discloses no detailed information about any medical condition, specific diagnoses, or other sensitive matters. The Village has not met its initial burden of establishing that the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c).

It is not necessary for the Public Access Counselor (PAC) to determine whether the Village may redact home addresses, phone numbers, and the names of witnesses who provided information to the police. Section 7(1)(b) (5 ILCS 140/7(1)(b) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010), exempts from disclosure "private information," which by definition includes home addresses and phone numbers. 5 ILCS 140/2(c-5). The names of witnesses fall within the scope of section 7(1)(d)(iv) of FOIA (5 ILCS 140/7(1)(d)(iv) (West 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010), which exempts information to the extent that disclosure would "unavoidably disclose the identity of a confidential source, confidential information furnished only by the confidential source, or persons who file complaints with or provide information" to law enforcement officials. The Village does not require prior approval from the PAC to redact information pursuant to section 7(1)(b) and section 7(1)(d)(iv). *See* 5 ILCS 140/9.5(b) (West 2009 Supp.).

Accordingly, the Village may issue a partial denial letter and release the report in accordance with this letter, if it has not already done so.

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If you have any questions, please contact me at (312) 814-6756. This correspondence shall serve to close this matter.

Very truly yours,

STEVE SILVERMAN  
WY EK

STEVE SILVERMAN  
Assistant Attorney General  
Public Access Bureau

cc:



*14152 Pre-auth al dl 71c dob med priv pd*