



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

February 22, 2010

Dan Kazy-Garey  
Chief of Police  
Harvard Police Department  
P.O. Box 310  
Harvard, IL 60033

RE: Pre-Approval Request – No. 5807

Dear Chief Kazy-Garey:

The Office of the Public Access Counselor has received and reviewed the written notice from the Harvard Police Department (HPD) of its intent to deny [REDACTED] request for the DUI report, in part, as information that is exempt from disclosure under subsection 7(1)(c) of the Freedom of Information Act, 5 ILCS 140/9.5(b) (FOIA).

HPD seeks to redact private information, such as home addresses, from the report. Subsection 7(1)(b) of FOIA expressly allows public bodies to redact unique identifiers such as social security numbers, home addresses, etc. 5 ILCS 140/7(1)(b).

Such information within the report may be redacted by HPD and sent directly to the requester along with the exemption asserted. Seeking pre-approval from this office is not necessary.

HPD also seeks to redact dates of birth and any information relating to age. Age, depending on the circumstance, can be a highly personal subject. The release of such information can be highly objectionable to a reasonable person. Therefore, the disclosure of age would constitute an unwarranted invasion of personal privacy. HPD's pre-authorization request to withhold all dates of births in the report is **appropriate**.

Finally, HPD seeks to redact medical information that it asserts would fall under the Health Insurance Portability and Accountability Act (HIPAA). When a public body is

prohibited from disclosing information based on a federal or state statute, such information is expressly exempt under FOIA. 5 ILCS 140/7(1)(a).

Such records can be redacted and sent directly to the requester along with an explanation of the exemption being asserted. Seeking pre-approval from this office is not necessary.

Please note that by stating that a pre-authorization is unnecessary, this office is not categorically authorizing that the exemptions that do apply were properly made. We are only stating that the seeking of pre-approval from our office regarding the majority of this request was unnecessary.

If you have any questions, please feel free to contact me at 312-814-6437.

Sincerely,

Cara Smith  
Public Access Counselor

By:

  
Lola Dada-Olley  
Assistant Public Access Counselor

Cc:

LWM Research, Inc.  


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