



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

February 25, 2010

Ms. Kristine Curran
FOIA Officer
Village of Lisle
925 Burlington Avenue
Lisle, Illinois 60532

RE: Pre-Authorization Request – 2010 PAC 5864

Dear Ms. Curran:

We have received and reviewed the written notice from the Village of Lisle (Village) of its intent to deny disclosure of dates of birth in a traffic accident report and the narrative of that report as exempt from disclosure under subsection 7(1)(c) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended (FOIA).

The Village's use of this exemption with regard to the dates of birth is approved. The Village has also asserted that it intends to withhold under subsection 7(1)(a) of FOIA information that is "prohibited from release by HIPAA". Use of the subsection 7(1)(a) exemption to deny disclosure of information does not require preapproval from our office. As such, we express no opinion on whether the Village's use of the subsection 7(1)(a) exemption is appropriate with regard to this information.

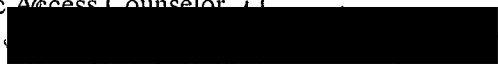
Accordingly, the Village should issue a partial denial letter directly to LexisNexis, the FOIA requester, and release a copy of the traffic accident report and narrative to the company with the appropriate information redacted.

Should you have questions or concerns, please feel free to contact me directly at (312) 793-0865. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

cc: LexisNexis
P.O. Box 740167
Atlanta, Georgia 30374-9986

By:  Sara Gadola Gallagher
Deputy Public Access Counselor