OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

March 22, 2010

Wendellyn J. Briggs
City Clerk/Freedom of Information Officer
100 E. Phoenix Avenue
P.O. Box 589
Normal, Illinois 61761-0589

RE: Pre-Approval Request – 2010 PAC 6236

Dear Ms. Briggs:

We have received and reviewed the written notice from the Town of Normal ("Town") of its intent to deny disclosure of certain information 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 Town seeks to redact dates of birth, telephone numbers, license plate numbers, driver's license numbers, and driver/witness addresses from traffic accident reports dated February 15, 2010 to March 3, 2010.

The Town's use of the exemption in 7(1)(c) with regard to the dates of birth is approved. We have determined that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy. 5 ILCS 140/7(1)(c). Dates of birth are highly personal information, and the subject's right to privacy in this information outweighs any legitimate public interest in obtaining it. Therefore, all dates of birth in the report should be redacted in accordance with 5 ILCS 140/7(1)(c).

The Town's use of the exemption in 7(1)(c) with regard to insurance policy numbers is also approved. Disclosure of an individual's insurance policy number would constitute an unwarranted invasion of personal privacy. A particular insurance policy number can be tied to a specific individual. An insurance policy number can certainly be classified as personal; the kind of information that a reasonable person would find highly objectionable if such information was released. Insurance policy numbers are the result of a private contractual relationship between an individual and the insurance company. The private interest in the nondisclosure of personal insurance policy numbers clearly

outweighs any public interest in having this information disclosed. Therefore, all insurance policy information may be redacted pursuant to 5 ILCS 140/7(1)(c).

Medical information detailing the kind of injury sustained or what hospital a patient was taken to is approved under subsection 7(1)(c) of FOIA. Although the Town originally argued that this information should be classified as a 7(1)(b) exemption; this type of information should actually come to our office in the form of a pre-approval request based on 7(1)(c). So, moving forward, any medical information in this form should come to our office in order to determine the validity of any personal privacy concerns. However, in this matter, this information should be redacted by the public body.

Vehicle identification numbers, or VINs, are considered public record and may not be redacted. VINs are more associated with objects, rather than to individuals and are not as useful in indentifying an individual as a personal license plate number. Therefore, VINs are not considered exempt under subsection 7(1)(b) or 7(1)(c) and must be provided to the requester.

The remaining information that the Town seeks to redact may be done without seeking pre-authorization from our office. Information classified as unique identifiers may be redacted and the remaining documentation may be sent directly to the requester, pursuant to 5 ILCS 140/7(1)(b). Subsection 2(c-5) of FOIA explicitly classifies personal license plate numbers, personal telephone numbers, driver's license numbers and home addresses as unique identifiers. Therefore, in accordance with subsection 7(1)(b) and 7(1)(c), the Town should issue a partial denial letter directly to [redacted] and release the report to him with the appropriate information redacted.

If you have any questions, please feel free to contact me at (312) 814-6437. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: [redacted]

Lola Dada-Olley
Assistant Public Access Counselor

Cc:
Hausmann-McNally, S.C.
[redacted]
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