



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

**Lisa Madigan**  
ATTORNEY GENERAL

July 11, 2011

Ms. Lorene Boyes  
Police FOIA Coordinator  
Village of Northfield Police Department  
350 Walnut Ave.  
Northfield, IL 60093

RE: FOIA Pre-Authorization Request - 2011 PAC 14621

Dear Ms. Boyes:

We have received and reviewed the written notice from Village of Northfield Police Department 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 2010).

On May 31, 2011, Ms. Thaisha Cardona of Kalogerakos & Associates submitted a FOIA request for "Illinois Traffic Crash Reports on and after 5/10/11 to present." In its written notice submitted pursuant to section 9.5(b) of FOIA (5 ILCS 140/9.5(b) (West 2010)), the Village asserts that release of the reports would be "a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information." The Village argues that because Ms. Cardona's request is for commercial purposes, the Federal Drivers Privacy Protection Act prevents it from releasing the reports without written consent from the affected individuals. 18 U.S.C. § 2721(b)(12). In our telephone conversation on July 7, 2011, you informed us that it is the Village's position that the reports are considered "personal information" in their entirety under the Federal Drivers Privacy Protection Act, and therefore are exempt under sections 7(1)(c) and 7(1)(a).

**DETERMINATION**

"All records in the custody or possession of a public body are presumed to be open to inspection or copying." 5 ILCS 140/1.2 (West 2010). Section 7(1)(c) of FOIA, however, exempts from inspection and copying "[p]ersonal information contained within public

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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."

The Village's use of section 7(1)(c) to withhold the responsive records in their entirety is **denied**. We have determined that the release of traffic crash reports is not an unwarranted invasion of personal privacy under section 7(1)(c) of FOIA. There is a legitimate public interest in obtaining information regarding how the Village responds to traffic accidents. Therefore, the Village has not met its initial burden of demonstrating that this information is exempt under section 7(1)(c). However, this office has consistently held that dates of birth and details involving medical information may, in appropriate cases, be redacted from public records. These types of information are highly personal by their very nature and the subjects' right to privacy outweighs any legitimate public interest in disclosing this information.

Please note that we make no determination in this letter regarding the applicability of federal law or of section 7(1)(a) of FOIA to these records because the assertion of section 7(1)(a) does not require preapproval from this office.

If you have any questions, please contact our office at (877) 299-3642. This correspondence shall serve to close this matter.

Very truly yours,



REBECCA RIDDICK  
Assistant Attorney General  
Public Access Bureau

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cc: Ms. Thaisha Cardona  
Kalogerakos & Associates  
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Lincolnwood, IL 60712