



OFFICE OF THE ATTORNEY GENERAL  
STATE OF ILLINOIS

Lisa Madigan  
ATTORNEY GENERAL

July 12, 2011

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

RE: FOIA Preauthorization Request– 2011 PAC 14857

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 requested by [REDACTED] pursuant to section 7(1)(c) of the Freedom of Information Act (FOIA). 5 ILCS 140/7(1)(c) (West 2010). [REDACTED] requested a copy of traffic accident report #12274. The Department seeks preauthorization to withhold dates of birth, names, addresses, and telephone numbers of witnesses and one of the individuals involved in the accident, and medical information concerning one of the individuals involved in the accident.

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 2010).

**DETERMINATION**

The Village's assertion of the exemption in section 7(1)(c) to redact dates of birth from responsive documents 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)

Ms. Laura Godette  
July 12, 2011  
Page 3

(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 Village's assertion of the exemption set forth in section 7(1)(c) to redact the names of witnesses from the accident report is **denied**. After carefully reviewing the accident report, we conclude that the Village has not met its initial burden of demonstrating that disclosure of the names of witnesses would constitute a clearly unwarranted invasion of personal privacy. The names of witnesses to the traffic accident that is the subject of the report do not constitute "highly personal" information and disclosure of the names would not be highly objectionable to a reasonable person. Furthermore, although the identities of witnesses to criminal conduct are generally exempt from disclosure under section 7(1)(d)(iv) of FOIA (5 ILCS 140/7(1)(d)(iv) (West 2010)), that provision requires the disclosure of identities of witnesses to traffic accidents unless disclosure would interfere with an active criminal investigation.

The Village's assertion of section 7(1)(c) to redact "medical information" pertaining to an individual involved in the accident is also **denied**. The information that the Village seeks to redact consists merely of the hospital to which the individual was taken and the EMS agency. This is not "highly personal" information and the disclosure of this information would not be highly objectionable to a reasonable person.

It is not necessary to consider the Village's exemption claim regarding the addresses and telephone numbers of witnesses and a person who was involved in the accident. Because home addresses and telephone numbers are exempt from disclosure under section 7(1)(b) of FOIA (5 ILCS 140/7(1)(b) (West 2010)), it is not necessary to obtain preauthorization from this Office to assert an exemption under section 7(1)(b). *See* 5 ILCS 140/9.5(b) (West 2010).

Ms. Laura Godette  
July 12, 2011  
Page 3

If you have any questions, please contact me at 312-814-2770. This correspondence shall serve to close the matter.

Very truly yours,



JOHN SCHMIDT  
Senior Assistant Attorney General  
Public Access Bureau

14857 pre-auth al dl 71c priv mun

cc:

