



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

August 10, 2011

Mr. Todd E. Rent
Human Relations/Compliance Officer
City of Urbana
400 South Vine Street
Urbana, IL 61801

RE: FOIA Pre-Authorization Request - 2011 PAC 15854

Dear Mr. Rent:

We have received and reviewed the written notice from the City of Urbana of its intention to deny disclosure of certain information as exempt under section 7(1)(c) of the Freedom of Information Act (FOIA) (5 ILCS 140/7(1)(c) (West 2010)). Specifically, on July 20, 2011, the City received a FOIA request from [REDACTED] Coghlan, Kukankos LLC for traffic crash report #U11-1190. The City is seeking to withhold personal text messages of the deceased from the requested record.

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 2009 Supp.), as amended by Public Act 96-1378, effective July 29, 2010.

DETERMINATION

The City's use of the exemption in section 7(1)(c) for the withholding of personal text messages of the deceased is **approved**. We have determined that the City has met its initial burden of demonstrating that the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy. This type of information is highly personal by its very


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nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information.

Accordingly, the City may issue a partial denial letter and release the report with the withheld information, if it has not already done so.

If you have any questions, please contact Tammy Friedewald at (217) 558-1926. This correspondence shall serve to close this matter.


Very truly yours,

Amanda Lundeen 

AMANADA M. LUNDEEN
Assistant Attorney General
Public Access Bureau

AL: tf

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cc: 
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