



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 5, 2010

Deputy Clerk Laura Godette
FOIA Officer
Village of Tinley Park
16250 South Oak Park Avenue
Tinley Park, Illinois 60477

RE: Pre-Authorization Request – 2010.PAC 6483

Dear Deputy Clerk Godette:

We have received and reviewed the written notice from the Village of Tinley Park (Village) of its intent to deny disclosure of certain information in a police 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).

Ms. Debbie Gilgenberg submitted a FOIA request dated March 26, 2010, seeking a copy of Report No. 10-005559 (Report). In its written notice, the Village asserted that “names, addresses [and] all other personal identifiers” are exempt from disclosure under subsection 7(1)(c) of FOIA.

Subsection 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.” 5 ILCS 140/7(1)(c). The exemption defines “[u]nwarranted 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.” *Id.*

Determinations

First, some of the names that the Village is seeking to redact in the Report belong to individuals who have filed complaints with or provided information to law enforcement. *See* 5 ILCS 140/7(1)(d)(iv). The Village’s use of the subsection 7(1)(d)(iv) exemption does not require preapproval from our office.

Second, home addresses, personal telephone numbers and driver’s license numbers – which are “private information” as defined in subsection 2(c-5) of FOIA – are exempt from disclosure

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under subsection 7(1)(b) of FOIA. The Village's use of the subsection 7(1)(b) exemption also does not require preapproval from our office.

Third, the Village's use of the subsection 7(1)(c) exemption with regard to the victim's name is **approved**. The victim's name is highly personal information, and the victim's right to privacy with respect to this information outweighs any legitimate public interest in obtaining it. Thus, disclosure of the victim's name would constitute a clearly unwarranted invasion of personal privacy to the victim and is therefore exempt from disclosure under subsection 7(1)(c).

Fourth, the Village's use of the subsection 7(1)(c) exemption with regard to the dates of birth in the Report is **approved**. A date of birth is highly personal information, and an individual's right to privacy with respect to this information outweighs any legitimate public interest in obtaining it. Thus, disclosure of the dates of birth would constitute a clearly unwarranted invasion of personal privacy to the individuals in the Report and is therefore exempt from disclosure under subsection 7(1)(c).

Finally, as I explained in our telephone conversation, the Village must provide a detailed summary of its basis for asserting the exemption if it wants to use the subsection 7(1)(c) exemption to redact identifying information for the victim and complainants (i.e. race, sex, height, weight, etc.). Because the Village has not provided a basis for asserting this exemption, its use of the subsection 7(1)(c) exemption with respect to this information is **denied**.

As such, the Village should issue a partial denial letter directly to [REDACTED] and release the Report to her with the appropriate information redacted. Should you have questions or concerns, please feel free to contact me at (312) 793-0865. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By: [REDACTED]

Sara Gadola Gallagher
Deputy Public Access Counselor

cc: [REDACTED]