



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 6, 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 6517

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 police reports 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 Village received separate FOIA requests from [REDACTED] (FOIA Request), [REDACTED] (FOIA Request), and [REDACTED] (FOIA Request) seeking certain police reports. The Village has asserted that certain information in these police reports is 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.*

FOIA Request

The Village is seeking to deny disclosure of the name, address, business phone, employer address, race, sex, driver’s license number and accompanying information, date of birth, age, occupation, height, weight, and “adult/juvenile” classification of a person who provided surveillance information to police.

First, the names of individuals who provide information to police are exempt from disclosure under subsection 7(1)(d)(iv) of FOIA. Use of this exemption to deny disclosure of information does not require preapproval from our office.

Second, the person's address, business phone, employer address, and driver's license number are exempt from disclosure as "private information" under subsection 7(1)(b) of FOIA. Use of this exemption to deny disclosure of information does not require preapproval from our office.

Third, the Village's use of the subsection 7(1)(c) exemption with regard to the person's date of birth is **approved**. We have determined 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.

However, the Village's use of the subsection 7(1)(c) exemption with regard to the person's race, sex, age, occupation, driver's license state and country, height, weight, and adult/juvenile classification is **denied**. The Village has failed to provide any basis under which this type of information would be exempt from disclosure under subsection 7(1)(c).

FOIA Request

The Village has asserted that it is seeking to deny disclosure of certain names, addresses and dates of birth.

First, the Village has provided no basis for redacting the names in question under subsection 7(1)(c). As such, the Village's use of the subsection 7(1)(c) exemption with respect to these names is **denied** unless the Village can produce a sufficient basis for asserting this exemption with regard to these names.

Second, the Village's use of the subsection 7(1)(c) exemption with regard to dates of birth is **approved**, though we note that no dates of birth have been redacted in the police report submitted with the Village's written notice. We have determined that 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.

Finally, addresses are exempt from disclosure as "private information" under subsection 7(1)(b) of FOIA. Use of this exemption to deny disclosure of information does not require preapproval from our office.

FOIA Request

In its written notice, the Village has asserted that it intends to deny disclosure of certain names, addresses and telephone numbers. However, in the police report that the Village submitted with its written notice, the Village has redacted the name, home phone, address, "other phone", race, sex, Social Security number, driver's license number and accompanying information, date of birth, birthplace, age, occupation, height, weight, and "adult/juvenile" classification of a person who provided information to police.

First, the names of individuals who provide information to police are exempt from disclosure under subsection 7(1)(d)(iv) of FOIA. Use of this exemption to deny disclosure of information does not require preapproval from our office.

Second, the person's home phone, address, "other phone", driver's license number and Social Security number are exempt from disclosure as "private information" under subsection 7(1)(b) of FOIA. Use of this exemption to deny disclosure of information does not require preapproval from our office.

Third, the Village's use of the subsection 7(1)(c) exemption with regard to the person's date of birth is **approved**. We have determined 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.

However, the Village's use of the subsection 7(1)(c) exemption with regard to the person's race, sex, age, occupation, driver's license state and country, birthplace, height, weight, and adult/juvenile classification is **denied**. The Village has failed to provide any basis under which this type of information would be exempt from disclosure under subsection 7(1)(c).

As such, the Village should issue a partial denial letter directly to each FOIA requester and release the police reports to them 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: 

Sara Gadola Gallagher
Deputy Public Access Counselor