

## Gallagher, Sara Gadola

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**From:** Gallagher, Sara Gadola  
**Sent:** Friday, April 09, 2010 5:36 PM  
**To:** Janicki-Clark, Beth  
**Cc:** [REDACTED]  
**Subject:** 2010 PAC 6611 -- Pre-Authorization Request

April 9, 2010

Ms. Beth Janicki-Clark  
Assistant Village Attorney  
Village of Downers Grove  
[bclark@downers.us](mailto:bclark@downers.us)

Re: 2010 PAC 6611 – Pre-Authorization Request

Dear Ms. Janicki-Clark,

We have received and reviewed the written notice from the Village of Downers Grove (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). In its written notice, the Village asserted that release of “one statement concerning medical history/treatment of one of the victims” would constitute a clearly unwarranted invasion of the personal privacy of the victim under subsection 7(1)(c) of FOIA.

Subsection 7(1)(c) exempts from inspection and copying “personal 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). “Unwarranted invasion of personal privacy” means “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 disclosure of information that bears on the public duties of public employees shall not be considered an invasion of personal privacy.” *Id.*

The Village’s use of the subsection 7(1)(c) exemption with regard to the statement concerning the victim’s medical history or treatment is **approved**. This information is highly personal, and the victim’s right to privacy with respect to this information outweighs any legitimate public interest in obtaining it. Thus, the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy to the victim. As such, this information is exempt from disclosure under subsection 7(1)(c) of FOIA.

Accordingly, the Village should issue a partial denial letter directly to [REDACTED] the FOIA requester. Should you have questions or concerns, please feel free to contact me. This correspondence shall serve to close this matter.

Very truly yours,

**Sara Gadola Gallagher**  
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