



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 13, 2010

Laura Godette
Deputy Clerk
Village of Tinley Park
16250 S. Oak Park Ave.
Tinley Park, IL 60477

RE: Pre-Authorization Request – 2010 PAC 6637

Dear Ms. Godette:

We have received and reviewed the written notice from the Village of Tinley Park (Village) of its intention to deny the release of certain information contained in Police Department Incident Report #09-27515 as exempt from disclosure under subsection 7(1)(c) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended (FOIA).

██████████ submitted a FOIA request on April 5, 2010 for Incident Report #09-27515. In its written notice, the Village asserted that names, addresses, telephone numbers and a driver's license number are "personal information contained within the public records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy" and 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 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.*

The addresses, telephone numbers and driver's license number the Village redacted fall within the subsection 7(1)(b) exemption for private information. "Private information" means unique identifiers, including a person's social security number, driver's license number, employee identification number, biometric identifiers, personal financial information, passwords or other access codes, medical records, home or personal telephone numbers, and personal email addresses. Private information also includes home address and personal license plates, except as

otherwise provided by law or when compiled without possibility of attribution to any person.” 5 ILCS 140/7(1)(b)

In addition, the names of individuals who have filed complaints with or provided information to law enforcement are exempt from disclosure under subsection 7(1)(d)(iv) of FOIA.

Use of these exemptions to partially deny disclosure of public records does not require preapproval from our Office.

Determinations

The Village also redacted the names of two additional people identified in the report. When providing written notice of its intent to deny or partially deny a record asserting the exemptions found in subsections 7(1)(c) and 7(1)(f), the public body must provide “a detailed summary of the public body's basis for asserting the exemption”. 5 ILCS 140/9.5(b)(iii). As this detailed summary was not provided, the Village’s use of the subsection 7(1)(c) exemption with respect to this information is **denied**.

Accordingly, unless the Village asserts another exemption under Section 7 of FOIA, it should provide the report to [REDACTED] with the two additional names in the report unredacted.

If you have any questions, please feel free to contact me at (312) 814-1003. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:

Jessica O'Leary
by EK
Jessica O'Leary
Assistant Attorney General

cc:

