



**OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS**

Lisa Madigan
ATTORNEY GENERAL

April 13, 2010

Beth Janicki-Clark
Assistant Village Attorney
Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515

Re: Pre-Authorization Request- 2010 PAC 6658

Dear Ms. Janicki-Clark,

We have received and reviewed the written notice from the Village of Downers Grove (Downers Grove) of its intent to deny, in part, disclosure of Mr. Michael S. Loy's criminal records as exempt under subsection 7(1)(c) of the Freedom of Information Act. 5 ILCS 140/1 *et seq.*, as amended (FOIA).

██████████ requested Mr. Loy's criminal records. Downers Grove seeks under subsection 7(1)(c) to withhold a portion of the records requested, mainly the medical information of a witness and medical questions directed to Mr. Loy himself.

After reviewing this matter, we have determined that subsection 7(1)(c) does apply to the information specified by the village, and, therefore, pre-authorization is **granted**.

Subsection 7(1)(c) exempts from disclosure "personal information ... the disclosure of which would constitute a clearly unwarranted invasion of personal privacy". 5 ILCS 140/7(1)(c). An unwarranted invasion of personal privacy is defined in FOIA 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.* Furthermore, information that "bears on the public duties of public employees and officials" is not considered an unwarranted invasion of personal privacy. *Id.*

The medical information related to a witness in the police report is inherently highly personal information. A reasonable person would highly object to the public disclosure of such information. The witness's privacy right in this instance outweighs any public interest in disclosure. Furthermore the medical information within the record does not relate to public officials or employees in their official capacities. Based on this analysis, our office has also determined that all medical questions directed to Mr. Loy are also exempt under subsection 7(1)(c). Therefore, pre-authorization to use subsection 7(1)(c) is **granted**.

If you have any questions, please feel free to contact me directly at (312) 814-6437. This letter shall serve to close this file.

Sincerely,

Cara Smith
Public Access Counselor

By:


Lola Dada-Olley
Assistant Public Access Counselor

cc:

