



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 14, 2010

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

RE: Pre-Authorization Request – 2010 PAC 6673

Dear Ms. Godette:

We have received and reviewed the written notice from the Village of Tinley Park (Village) of its intention to deny certain information contained in Incident Report Number 01-10-6465 as exempt from disclosure under subsection 7(1)(c) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended.

In its written notice, the Village asserted that names, addresses, telephone numbers and license plate numbers 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. Although the Village does not indicate its intent to redact dates of birth, the records included with its notice contained redactions of dates of birth.

Private Information under 7(1)(b)

The Village’s redaction of addresses, telephone numbers and license plate numbers falls 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) Use of this exemption to partially deny disclosure of public records does not require preapproval from our Office.

Determinations with respect to 7(1)(c)

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

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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 Village’s use of the exemption in 7(1)(c) with regard to the dates of birth is approved. We have determined that the disclosure of dates of birth would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). 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.

The Village’s use of the exemption in 7(1)(c) with regard to victims’ names is approved. We have determined that the disclosure of a victim’s name would constitute a clearly unwarranted invasion of personal privacy under Section 7(1)(c). 5 ILCS 140/7(1)(c). This type of information is highly personal and the victim’s right to privacy outweighs any legitimate public interest in disclosing this information.

Accordingly, the Village may provide a copy of the requested records with the appropriate redactions, as set forth above, to the requester.

If you have any questions, please feel free to contact me at (312) 814-5206. This correspondence shall serve to close this matter.

Sincerely,

Cara Smith
Public Access Counselor

By:


Amaria Kioja
Chief Deputy Public Access Counselor

cc:

