



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

April 22, 2010

Wendellyn Briggs
City Clerk/Freedom of Information Officer
Town of Normal
100 East Phoenix Avenue
P.O. Box 589
Normal, Illinois 61761-0589

RE: Pre-Authorization Request – 2010 PAC 6831

Dear Ms. Briggs:

We have received and reviewed the written notice from the Town of Normal (Town) of its intent to deny disclosure of certain information as exempt from disclosure under subsection 7(1)(c) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended (FOIA).

On April 5, 2010, [REDACTED] requested traffic crash report number U100033785. The Town seeks to redact from that report dates of birth and medical information regarding the accident victim.

Determinations

Section 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 “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 Town’s use of the exemption in 7(1)(c) of FOIA with regard to a victim’s injuries or medical information is approved. We have determined that the disclosure of this information would constitute a clearly unwarranted invasion of personal privacy under subsection 7(1)(c) of FOIA. 5 ILCS 140/7(1)(c). An individual’s medical information is highly personal, and the subject’s right to privacy outweighs any legitimate public interest in disclosing this information. 5 ILCS 140/7(1)(c).

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The Town's use of the exemption in 7(1)(c) of FOIA with regard to the dates of birth is approved. We have determined that the disclosure of an individual's date of birth would constitute a clearly unwarranted invasion of personal privacy under subsection 7(1)(c) of FOIA. 5 ILCS 140/7(1)(c). This type of information is highly personal, and the subject's right to privacy outweighs any legitimate public interest in disclosing this information.

Accordingly, if it has not already done so, the Town may issue a partial denial letter directly to [REDACTED] and release the records to [REDACTED] with the appropriate information redacted.

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:

[REDACTED]
Amalia Rioja
Chief Deputy Public Access Counselor

cc:

[REDACTED]