



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 4, 2010

Wendellyn J. Briggs
City Clerk/Freedom of Information Officer
100 E. Phoenix Avenue
P.O. Box 589
Normal, IL 61761-0589

RE: Pre-Authorization Request – 2010 PAC 6996

Dear Ms. Briggs:

We have received and reviewed the written notice from the Town of Normal (Town) of its intention to deny certain information as exempt from disclosure under Section 7(1)(c) of the Freedom of Information Act, 5 ILCS 140/1 *et seq.*, as amended (FOIA): The Town is seeking to redact all matters reflecting the health of the driver(s) from the requested document.

██████████ submitted a FOIA request on April 20, 2010 for Accident Report #A10-374 concerning insured party Stark Excavating, Inc. In its written notice, the Town asserted that all matters reflecting the health of the driver(s) are exempt from disclosure under Section 7(1)(c) of FOIA.

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 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.*

Determinations

The Town’s use of the exemption in 7(1)(c) with regard to all matters reflecting the health of the driver(s) is approved. This type of information is highly personal by its very nature and a person’s right to privacy outweighs any legitimate public interest in disclosing this information.

Accordingly, the Town should issue a partial denial letter and release the record with all matters reflecting the health of the driver(s) redacted if it has not already done so.

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 AR
Jessica O'Leary
Assistant Attorney General

cc:

