



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 4, 2010

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

RE: Pre-Authorization Request – 2010 PAC 7067

Dear Ms. Clark:

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

██████████ submitted a FOIA request dated April 21, 2010, in which he sought a police report concerning an incident occurring at 7383 Grand, Apartment 205, Downers Grove, Illinois. In its written notice, the Village asserted that certain information, which related to a medical condition, is 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 Village’s use of the exemption in 7(1)(c) with regard to a medical condition 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.

2010 PAC 7067
May 4, 2010

We note that you have also deleted dates of birth in the document. You must seek pre-approval from this office prior to deleting dates of birth. The Village's use of the exemption in Section 7(1)(c) with regard to dates of birth is approved. 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 also highly personal by its very nature and the subject's right to privacy outweighs any legitimate public interest in disclosing this information.

The Village should issue a partial denial letter directly to [REDACTED] and release the record to him 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]