



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 6, 2010

Wendelwyn J. Briggs
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 7092

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 Section 7(1)(c) of the Freedom of Information Act, (FOIA). 5 ILCS 140/1 *et seq.*, as amended.

██████████ of West Bend Insurance submitted a FOIA request dated April 26, 2010, seeking a police report regarding an incident occurring on September 18, 2009. In its written notice, the Town asserted that dates of birth and medical information are exempt from disclosure under Section 7(1)(c) of FOIA.

Determination

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.*

The Town’s use of the exemption in Section 7(1)(c) with regard to 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

May 6, 2010

Page 2

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 Town's use of the exemption in Section 7(1)(c) with regard to medical treatment is approved. We have determined that the disclosure of medical information and medical treatment 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.

As such, the Town should issue a partial denial letter directly to [REDACTED] and release the records to him with the appropriate information redacted.

This letter gives no advice or opinion with regard to exemption 7(1)(b).

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:

Amalia Rioja
by EK

Amalia Rioja
Chief Deputy Public Access Counselor

cc: Michael Lullo
P.O. Box 2129
Bridgeview, IL 60455