



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

Lisa Madigan
ATTORNEY GENERAL

May 12, 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 7239

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 dates of birth and all matters reflecting the health of the driver(s) and witnesses from the requested document.

██████████ submitted a FOIA request on May 3, 2010 for Accident Report #A10-446 concerning insured party Khampou Keomanivong. In its written notice, the Town asserted that the dates of birth and all matters reflecting the health of the driver(s) and witnesses 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

First, the Town’s use of the Section 7(1)(c) exemption 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. 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.

Second, the Town's use of the exemption in 7(1)(c) with regard to all matters reflecting the health of the driver(s) and witnesses 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 the dates of birth and all matters reflecting the health of the driver(s) and witnesses 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
Assistant Attorney General

cc:

